

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

SEVENTY-SECOND DAY, TUESDAY, MAY 10, 2005

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Reverend Steve Drury of St. Louis.

We celebrate our life today with praise to You our Creator for the blessings You have given. For the strength and wisdom as available as we ask You and believe You will give us.

We ask that as this Session comes near the end that these final days bring cohesion among all the members, even in differences, to make the last decisions for the common good of all residents of the state of Missouri.

Today we ask for not only a blessing upon this House but the Senate, our Governor, Matt Blunt and his family, and all the elected leaders of this state, our President, George Bush, our Vice-President, Dick Cheney, and all our national leaders.

Our hearts are heavy as we hear the news of our soldiers fighting for our freedom giving their lives. Be with our brave men and women today. Put a shield of protection around them like You did the armies of Hezekiah in II Chronicles. Give comfort to those who have lost family members in the battles for our freedom. We thank You for the safe return of our own Missouri Representative Jim Avery.

At home, we ask for Your comfort today for those who have loved ones in the bus accident yesterday, here in our state and the children traumatized who attended school with them.

Finally, we ask Your anointed blessings upon this Session today as we give You thanks for all You have done.

Accept our thanks and praise.

In the precious name of our Savior Jesus Christ. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Allie Armstrong, Dylan Derboven, Mercedes Forrest, Brendan Kelly, Alexandra Zrenner, Amanda Brockelmeyer, Nathan Storz, Christy Manuel, Jackson Meyers, Kristin Metz, Dylan Neal, Anna Henley, Tomesia Brumbaugh, Hunter Brumbaugh, Jacob Brumbaugh, Tori Brumbaugh, Ji Hye Lee, Alexander Carl Basi, Laura Ransin, Jamie Johnson, Katelyn Crosson, Manda Back, Caitlyn Propst, Kayla Cooley, Matthew Boeding, Cole Shoemaker, Krista O'Loughlin, Lucas Morris, Kevin Wamsley, Courtney Lyon, Justin Connaway, Adam Fincher, Sierra Myers and Dylan Vorhees.

The Journal of the seventy-first day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3075
through
House Resolution No. 3078 - Representative Baker (123)
House Resolution No. 3079 - Representative Denison
House Resolution No. 3080
through
House Resolution No. 3084 - Representative Schoemehl
House Resolution No. 3085
through
House Resolution No. 3090 - Representatives Wilson (130) and Ruestman
House Resolution No. 3091
and
House Resolution No. 3092 - Representative Nieves
House Resolution No. 3093
through
House Resolution No. 3106 - Representative Smith (118)
House Resolution No. 3107 - Representative Wright (137)
House Resolution No. 3108 - Representative Meadows
House Resolution No. 3109 - Representative Avery
House Resolution No. 3110 - Representative Wood
House Resolution No. 3111
through
House Resolution No. 3113 - Representative Kingery
House Resolution No. 3114 - Representative Darrough
House Resolution No. 3115
through
House Resolution No. 3128 - Representative Muschany
House Resolution No. 3129 - Representative Parson

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SS SCS SB 287** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF SENATE BILLS

HCS SCS SB 233, relating to designation of highways and bridges, was taken up by Representative Nance.

Representative Bearden offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Section A, Page 1, Line 3, by inserting immediately after all of said line the following:

"227.241. Sections 227.241 to 227.249 shall be known as the "State Highway Utility Relocation Act". The commission shall not be required to redesign any project plans or mail additional notices, nor shall the owner of a utility facility be required to submit additional relocation plans or otherwise comply with requirements of sections 227.241 to 227.249 for any construction project on a state highway for which the letting date was prior to December 31, 2005.

227.242. As used in sections 227.241 to 227.249, the following terms shall mean:

(1) "Act of God", an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;

(2) "Commission," the highways and transportation commission created under section 226.020, RSMo, and article IV, section 29 of the Missouri Constitution, the director, or designees of the director for the purpose of sections 227.240 to 227.248;

(3) "Construction project", all contracts for construction of state highways let under section 227.100, except for contracts for maintenance or resurfacing determined by the commission not to conflict with public utilities and routine maintenance and repairs completed by employees of the commission. This term shall also include state highway construction projects of transportation development districts and corporations under chapter 238, RSMo, if such projects are awarded pursuant to section 227.100. The term "construction project" shall not include projects for road beautification, road irrigation, and drainage projects, culvert installation or repair, sound wall installation, decorative lighting, landscaping, or other projects not directly related to improving or routing highway traffic. The term "construction project" shall also not include any project authorized by the commission to accommodate any private development, including a shopping mall, stadium, office building, or arena;

(4) "Contractor", any person entering into a contract with the highway and transportation commission for purposes of completing a construction project on a state highway, including a subcontractor or supplier to such contractor;

(5) "Customer delays", delays in the relocation work due to delays caused by the utility's customers, including but not limited to delays in getting written or oral approvals from customers for permissible utility service cut-over dates;

(6) "Cut-over date", the date utility owner interrupts utility service to a utility customer provided through an existing utility facility and switches the service over to a new utility facility serving the customer;

(7) "Day" or "days", a business day or a period of consecutive business days consisting of every work day excluding Saturdays, Sundays, and legal holidays;

(8) "Director", the director of the Missouri department of transportation appointed pursuant to section 226.040;

(9) "Extreme weather event", a severe weather occurrence, including but not limited to fire, flood, earthquake, tornado, wind, hurricane, storm, ice, abnormal rainfall, blizzard, or extended periods of severe inclement weather;

(10) "Letting date", the date established by the commission for the acceptance of bids by contractors under section 227.100;

(11) "Mail", a dated written transmittal sent to the addressee by regular or certified mail;

(12) "Maintenance", routine work performed on state highways by employees of the commission or contractors to the commission, including minor pavement and shoulder repairs, striping, grading, irrigation ditch clearing, street overlays, and other work determined by the commission not to conflict with public utilities;

(13) "Notice to proceed", notice by the commission to a contractor to proceed with work on a contract awarded by the commission;

(14) "Owner", the individual, firm, joint venture, partnership, corporation, association, cooperative, municipality, county, district, political subdivision, department, agency, or any other institution owning or operating utility facilities;

(15) "Project plans", any plan for highway construction projects demonstrating the need to design and conduct utility facility alterations or relocations due to the work;

(16) "Relocate" or "relocation", the adjustment of utility facilities, as the commission or director may determine is necessary in connection with the construction of a state highway. Relocation includes:

- (a) Removing and reinstalling the utility facility, including necessary temporary facilities;
- (b) Moving, rearranging, or changing the type of existing utility facilities; and
- (c) Taking any necessary safety and protective measures;

(17) "Relocation plan," a plan designed by the owner to carry out utility facility relocation work to accommodate a construction project on a state highway;

(18) "Resurfacing", work which provides a new roadway surface for existing pavement on a state highway, including minor base patching, intersection paving, shoulder work, and guard rail work which is determined by the commission not to conflict with public utilities;

(19) "State highway", a highway constructed or maintained at the cost of the state or constructed with the aid of state funds or United States government funds or any highway included by authority of law in the state highway system or any highway constructed under the authority of a transportation development district or corporation under chapter 238, RSMo, where such contract is awarded under section 227.100;

(20) "Utility contractor", a person contracting with an owner of a utility facility or a subcontractor to a person contracting with an owner of a utility facility, for the alteration relocation or installation of a utility facility in connection with a construction project on a state highway;

(21) "Utility facility", any underground facility as defined in section 319.015, RSMo, and aboveground facilities, including poles, lines, wires, and appurtenances for the purposes of electrical power, telephone, telegraph, fiber optic and cable television services, and any other purpose or which aboveground utility facilities may be located along state highways;

(22) "Work", construction and services required of the contractor by the contractor's contract with the commission, including excavation as that term is defined in section 319.015, RSMo.

227.243. 1. At the earliest possible date in the design of a construction project on a state highway, the commission shall attempt to determine what utility facilities are located within the right-of-way of the planned construction project by researching permit files and reviewing map files maintained by the commission. The commission shall also, as necessary, conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

2. Within thirty days of completion of the survey conducted under subsection 1 of this section, the commission shall notify in writing owners of each known utility facility that a construction project is planned that may conflict with their utility facility. The notification shall include the name or route number of the highway, the geographical limits of the planned construction project, a general description of the work to be done including a preliminary plan, the desired date for completion of a relocation plan, and the anticipated month and year a letting date could be set for the construction project.

3. The owner shall examine the notice and notify the commission in writing of any utility facility not correctly described in the commission's notice. Within sixty days of receiving the notice required in subsection 2 of this section, the owner shall provide a written response to the commission. The response shall describe and provide the general location of each utility facility of the owner by confirming the location shown in the commission's notice or by providing additions or corrections.

227.244. 1. Upon completion of the initial design of the construction project, the commission shall provide at least one set of project plans to each owner of a utility facility identified under section 227.243.

2. The project plans shall show those portions of the construction project upon which the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for the project. The commission shall also provide with the project plans a description of any right-of-way still to be purchased and the anticipated letting date of the project. The project plan shall be accompanied by a complete set of plans including profile, cross-section, drainage, signal, lighting, signing plans, temporary road plans that may affect utilities, and other pertinent plan sheets. Upon request of the owner, the commission shall provide any additional plan information needed by the owner to design and lay out the removal, relocation, or adjustment of existing facilities and the placement of relocated or new utility facilities within the limits of the construction project.

3. Within thirty days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment and return the marked-up project plans to the commission. The plan of adjustment shall include:

- (1) Verification that all utility facilities are shown;
- (2) The proposed location of adjusted utility facilities;

(3) Any additional right-of-way requirements; and

(4) Any other concerns.

4. When two or more owners have facilities in the area encompassed by the construction project, the commission shall schedule a utility coordination meeting as soon as possible but no longer than thirty days from the date the project plans were mailed. The commission's project manager and all owners are required to attend this meeting. If there is a conflict between two owners which cannot be satisfactorily resolved by the owners, the commission shall determine the most appropriate method to resolve the conflict between the two owners, and, in making such determination, shall weigh equally the length of time necessitated by each owner's proposal, and the relative cost to each owner if the other's proposal is adopted. The commission shall notify all utility owners involved with the project in writing of the commission's acceptance or revisions to the utility plan of adjustment.

227.245. 1. Within one hundred twenty days of receiving written notice of approval of the utility plan of adjustment from the commission, the owner shall provide the commission with a relocation plan. The one hundred twenty-day clock stops after the relocation plan is submitted by the owner. If, after timely submission of the relocation plan by the owner, revisions or alterations are necessary for any reason, or if the original relocation plan was incomplete due to information needed from other parties, the one hundred twenty-day clock begins to run again when the needed information is received back by the owner.

2. The relocation plan shall include a narrative description of work that will be done in relocating the owner's utility facilities and whether the work or a portion of the work must be coordinated with or is contingent upon work being performed by another utility facility owner or the contractor to the commission. The relocation plan shall list, if applicable, any anticipated issues or problems related to the acquisition of right-of-way. The relocation plan shall, if applicable, detail the anticipated number of days to acquire additional easements not provided within the new highway right-of-way. The relocation plan shall also give estimates as to the time needed to obtain any necessary customer approvals for cut-over dates, if necessary. The relocation plan shall state when the work will be started and the length of time in days estimated to complete the work. It is permissible for an owner to state in a relocation plan that the owner's work will be completed within a stated number of days from the date that a contractor or another owner completes certain identified work which interferes with the owner's work. The relocation plan shall identify any contingencies, if applicable, that may impact the anticipated start of relocation. The relocation plan shall also describe whether the plan is incomplete due to:

(1) Other owners failing to coordinate their plans with the owner submitting the plan;

(2) Other owners failing to provide information necessary to submit a complete relocation plan;

(3) The commission failing to provide any information required by subsection 2 of section 227.244; or

(4) Any other reason explained in the plan regarding the circumstances and cause of the plan being incomplete.

3. The commission shall review the relocation plan to ensure compatibility with permit requirements, the project plan, and the anticipated letting date and notice to proceed for the project. If utility relocation is dependent upon or must be coordinated with work to be completed by the contractor, the relocation plan shall assure timely completion of the project. If the relocation plan is acceptable to the commission, the commission shall notify the owner in writing within thirty days of receiving the plan. If the relocation plan submitted by the owner is not compatible, reasonable, or does not allow timely completion of the project, the commission shall advise the owner in writing as soon as practicable, but not later than thirty days after receiving the relocation plan. The commission shall specify in the notice which parts of the relocation plan it finds objectionable, and the reasons for its conclusions. The owner shall submit a revised relocation plan within thirty calendar days after receipt of notice by the commission that the relocation plan is not acceptable. The commission shall review the revised relocation plan, and if the relocation plan is still not acceptable, the commission shall provide a relocation plan to the owner. The owner shall not be bound by the terms of the commission's relocation plan if such relocation plan:

(1) Requires the payment of overtime to employees to expedite the construction project; or

(2) Requires the owner to comply with a deadline which is not feasible due, in whole or in part, to one or more factors outside the control of the owner.

4. If the owner informs the commission, in writing, or the commission determines that the owner's relocation work is dependent upon or must be coordinated with work being performed by the commission's contractor, the commission shall convene a meeting of the contractor and the one or more owners whose relocation work is dependent upon or must be coordinated with the contractor's work. Such meeting shall be held after the letting date at which bids were received for the construction project, but prior to the issuance of a notice to proceed to the commission's contractor. After such meeting, and before or concurrent with the issuance of a

notice to proceed, the commission shall provide a schedule for the relocation of utilities to the owner and the commission's contractor. If the approved relocation plan, or a portion of such plan, is dependent upon or must be coordinated with work to be performed by the contractor, the contractor shall notify the commission of its best estimate of the date that all construction necessary for the relocation of utilities will be completed, at least fourteen days prior to such date. If such completion date is delayed due to weather or other causes, the contractor shall immediately notify the commission of the delay and the revised expected completion date. The contractor shall give a second notice to the commission five days prior to the date work will be completed as necessary for relocation work to begin. It shall be the responsibility of the commission to notify the owner or owners of the contractor's estimated completion dates. The contractor may also notify the owner directly of such dates, if the contractor has received information from the owner under subsection 7 of this section, but such notice shall not relieve the commission of its obligation to notify the owner. If the contractor's delay causes additional delay by the owner, the commission and the owner shall negotiate in good faith to determine the new completion date.

5. (1) The commission shall notify the owner in writing not less than thirty days before the owner is required to begin relocation provided for in the approved relocation plan. Unless the owner has encountered excusable delay as set forth in subsection 4 of section 227.248, the owner shall complete its work within the time frame described in the relocation plan, and shall complete all work that can be done prior to construction before the issuance of the notice to proceed, including work that may need to be coordinated with other utility owners but is not dependent on the work of the contractor.

(2) The notice required by subdivision (1) of this subsection shall include the name, address, telephone number, facsimile number, and electronic mail address of the commission's contractor and any subcontractors performing work on the construction project. Such information shall also include the name and title of an individual employed by the contractor or subcontractor having primary responsibility for the construction project. Within fifteen days of receiving notice, the owner shall provide to the commission and the commission's contractor the name, address, telephone number, facsimile number, and electronic mail address of the employee of the owner who is responsible for implementation of the owner's relocation plan and the same information for any utility contractor to the owner for purposes of carrying out the relocation plan.

6. The owner shall notify the commission when relocation work has started. During the course of the relocation work, the commission may require owners to provide progress reports until its relocation is completed. The owner shall notify the commission when all relocation work is complete. All notices of either starting or completion of relocation work and all monthly progress reports shall be provided within five days after such dates.

227.246. 1. If, prior to the letting date of the construction project, the commission's project plan is changed so that additional or different utility relocation work is found necessary, the commission shall furnish a revised project plan under section 227.244, and the owner shall provide the commission with a revised relocation plan under section 227.245, except that the time allowed for the owner to submit the revised relocation plan after receipt of the revised project plan shall not exceed sixty days.

2. If, after the letting date of the highway construction project, additional utility relocation work is found necessary which was not indicated on the original project plan, the commission shall provide the owner with a revised project plan within fifteen days and the commission and the owner shall agree on a reasonable schedule for completion of the additional utility location.

227.247. 1. The commission shall have authority to require that any required notice, response, or plan be submitted by mail or certified mail. Otherwise notices, plans, and other statements in writing may be provided by mail, facsimile, or electronic mail. The commission may require that some form of proof of receipt be provided in regard to any notice, plan, or other statement in writing. Upon mutual agreement between the commission and an owner, additional time may be granted for the completion of any act required by sections 227.241 to 227.249.

2. Nothing in sections 227.241 to 227.249 shall be construed to relieve a contractor from making notice of excavation as required by sections 319.010 to 319.050, RSMo, of the underground facility safety and damage prevention act, or complying with the requirements of sections 319.075 to 319.090, RSMo, of the overhead powerline safety act, except to the extent that any provisions of sections 227.241 to 227.249 require additional obligations beyond those set forth in sections 319.011 to 319.050, RSMo, or sections 319.075 to 319.090, RSMo, in which case the requirements of sections 227.241 to 227.249 shall prevail.

227.248. 1. If the owner of a utility facility fails to provide the responses or corrections to project plans required by sections 227.243 to 227.246, the commission may recover from the owner damages in the amount of up to one hundred dollars per day for each day the required act is not completed.

2. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities in accordance with the relocation plan as required by section 227.245, the commission may recover from the owner damages in the amount of up to one thousand dollars per day for each day the required act is not completed.

3. The damages authorized by subsections 1 and 2 of this section may be recovered through actions brought by the chief counsel to the commission, or may be referred to the attorney general for appropriate action. An action to collect the damages authorized by this section shall be brought in a court of appropriate jurisdiction. All damages collected under this section shall be deposited in the state road fund.

4. No damages or fines of any kind shall be assessed for delays that result, in whole or in part, directly or indirectly, from any of the following:

- (1) Customer delays;
- (2) Labor strikes or shortages;
- (3) Terrorist attacks, riots, civil unrest, or criminal sabotage;
- (4) Acts of God, or extreme weather events;
- (5) Delays caused by staffing shortages in the geographic area near the commission's construction project due to the owner's need to reassign an unusual number of workers to any other area to respond to an act of God or extreme weather event;
- (6) The failure of another owner to sufficiently complete its required relocation of utility facilities that interfere with an owner's relocation plan;
- (7) The failure of another owner or delay by another owner in submitting relocation plans that interfere with an owner's relocation plan;
- (8) Delays by the commission in acquiring necessary right-of-way or necessary easements;
- (9) Delays caused by facility damages or cable cuts caused by the commission's contractor, other owners, or third parties;
- (10) Unusual material shortages; and
- (11) Any other event or action beyond the reasonable control of the owner.

The occurrence of any of the unusual events listed in this section shall constitute an affirmative defense to the assessment of damages under the provisions of this section.

5. The removal and relocation of utility facilities shall be made at the expense of the owners unless otherwise provided by the commission. If the owner fails to relocate the utility facilities in accordance with the relocation plan as required by section 227.245, the utility facilities may be removed and relocated by the state highways and transportation commission, or under its direction, and the cost of relocating the utility facilities shall be collected from such owner. If the state highways and transportation commission or its designee removes and relocates the utility facilities, the utility owner shall not be liable to any party for any damages caused by the commission's or the commission's designee's removal and relocation of such facilities.

227.249. Any home rule city having a population of sixty thousand inhabitants or greater or any charter county of the first classification may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.241 to 227.249 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cooper (120) offered **House Amendment No. 1 to House Amendment No. 1.**

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Section 227.249, Page 11, Lines 7-8, by deleting all of said lines and inserting in lieu thereof the following:

“227.249. Any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants may adopt ordinances, policies, resolutions, or”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cooper (120), **House Amendment No. 1 to House Amendment No. 1** was adopted.

On motion of Representative Bearden, **House Amendment No. 1, as amended**, was adopted.

Representative Swinger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Section 227.356, Page 1, Line 3, by inserting after all of said line the following:

“227.358. The portion of U.S. 412 in Dunklin County from the eastern city limits of Kennett, Missouri, to the western city limits of Hayti, Missouri, within Pemiscot County shall be designated the "Governor John M. Dalton Memorial Highway”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swinger, **House Amendment No. 2** was adopted.

Representative Zweifel offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 233, Page 4, Section 227.365, Line 78, by inserting after all of said line the following:

"227.367. The portion of highway 370 in St. Louis County from the intersection of Interstate 270, west to the Discovery Bridge, shall be designated the "Officer Scott Armstrong Memorial Highway". Costs for such designation shall be paid by the Bridgeton Optimist Club.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Zweifel, **House Amendment No. 3** was adopted.

Speaker Pro Tem Bearden assumed the Chair.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Byrd
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Iceet	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 062

Aull	Baker 25	Bland	Bringer	Brooks
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Dougherty
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 003

Bowman	Boykins	Schaaf
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VACANCIES: 001

On motion of Representative Nance, **HCS SCS SB 233, as amended**, was adopted.

On motion of Representative Nance, **HCS SCS SB 233, as amended**, was read the third time and passed by the following vote:

AYES: 128

Aull	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Bland	Bringer	Brown 30
Brown 50	Bruns	Byrd	Chappelle-Nadal	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Curls
Darrough	Daus	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Donnelly	Dougherty
Emery	Faith	Fares	Fisher	Flook
Fraser	George	Goodman	Guest	Harris 23
Harris 110	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hughes	Hunter	Ice	Jackson
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly	Kingery	Kratky	Kuessner	Lager
Lampe	Lembke	Liese	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Myers	Nance
Nolte	Oxford	Page	Parson	Pearce
Pollock	Portwood	Quinn	Rector	Richard
Robb	Robinson	Roorda	Rucker	Ruestman
Salva	Schaaf	Schlottach	Schneider	Schoemehl
Self	Shoemyer	Silvey	Skaggs	Stefanick
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wilson 130	Witte
Wood	Wright 137	Wright 159	Wright-Jones	Yaeger
Young	Zweifel	Mr Speaker		

NOES: 027

Avery	Burnett	Chinn	Cunningham 86	Davis
Dusenberg	Ervin	Franz	Kraus	LeVota
Lipke	Muschany	Nieves	Parker	Phillips
Pratt	Roark	Rupp	Sander	Sater
Schad	Selby	Smith 14	Smith 118	Spreng
Wilson 119	Yates			

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 006

Baker 25	Bowman	Boykins	Casey	El-Amin
Wildberger				

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

HCS SCS SBs 221, 250 & 256, relating to operation of motor vehicles, was taken up by Representative St. Onge.

Representative St. Onge offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256, Page 12, Section 302.302, Line 45, by inserting after all of said line the following:

"(16) Endangerment of a highway worker in violation of section 304.585 8 points
(17) Aggravated endangerment of a highway worker in violation of section 304.585 . . 12 points"; and

Further amend said bill, Page 19, Section 304.016, Line 37, by inserting after the word "roadway" the following:

", except that the provisions of this subdivision shall not apply when:

(a) Executing a lawful turn; or
(b) Overtaking a vehicle, as defined in section 307.020, RSMo, that is traveling at a speed of less than twenty-five miles per hour, or when avoiding debris in the roadway, so long as such action does not create a hazard, as specified in subdivision (1) of subsection 4 of this section"; and

Further amend said bill, Pages 29 to 30, Section 304.582, Lines 1 to 41, by striking said section and inserting in lieu thereof the following:

"304.582. 1. Upon the first conviction or plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. A second or subsequent violation of this subsection shall result in the court assessing a fine of seventy-five dollars in addition to any other fine authorized to be imposed by law.

2. Upon the first conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 4 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any highway worker in such zone. A second or subsequent violation of this subsection shall result in the court assessing a fine of three hundred dollars in addition to any other fine authorized by law. However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 1 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 3 of this section.

3. The penalty authorized by subsection 2 of this section shall only be assessed by the court if the department of transportation or contractor or subcontractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: minimum \$250 fine for speeding or passing in this work zone when workers present".

4. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone as provided in this subsection. Violation of this subsection is a class C misdemeanor.

(1) This subdivision applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane and not pass by appropriate signs or traffic control devices erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

(2) This subdivision also prohibits the operator of a motor vehicle from passing or attempting to pass another motor vehicle in a work zone or construction zone located upon a two-lane highway when highway workers or equipment are working and when appropriate signs or traffic control devices have been erected by the department of transportation or a contractor or subcontractor performing work for the department of transportation.

5. The additional fines imposed by subsection 4 of this section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo."; and

Further amend said bill, Pages 30 and 31, Section 304.585, Lines 1 to 34, by striking said section and inserting in lieu thereof the following:

"304.585. 1. A person shall be deemed to commit the offense of "endangerment of a highway worker" upon conviction for any of the following when the offense occurs within a "construction zone" or "work zone", as defined in section 304.580:

- (1) Exceeding the posted speed limit by twenty-five miles per hour or more;**
- (2) Passing in violation of subsection 4 of section 304.582, resulting in injury or death to a highway worker;**
- (3) Failure to stop for a work zone flagman or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone;**
- (4) Physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone, with a motor vehicle or other instrument;**
- (5) Intentionally striking, moving, or altering barrels, barriers, signs, or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or**
- (6) Committing any of the following offenses for which points may be assessed under section 302.302, RSMo:**
 - (a) Leaving the scene of an accident in violation of section 577.060, RSMo;**
 - (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**
 - (c) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020, RSMo,**
 - (d) Operating with a suspended or revoked license;**
 - (e) Obtaining a license by misrepresentation;**
 - (f) Driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content;**
 - (g) Any felony involving the use of a motor vehicle; or**
 - (h) Knowingly permitting an unlicensed operator to operate a motor vehicle.**

2. Upon conviction or a plea of guilty for committing the offense of "endangerment of a highway worker" pursuant to subsection 1 of this section if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall, upon conviction or plea of guilty, be guilty of a class A misdemeanor and shall have their driver's license suspended under section 302.304, RSMo.

3. A person shall be deemed to commit the offense of "aggravated endangerment of a highway worker" upon conviction or a plea of guilty for any offense pursuant to subsection 1 of this section which results in the injury or death of a highway worker. Any person who is convicted of the offense of aggravated endangerment of a highway worker in which a highway worker is injured shall, upon conviction or plea of guilty, shall be guilty of a class D felony, and shall have his or her driver's license revoked under section 302.304, RSMo. Any person who is convicted of the offense of aggravated endangerment of a highway worker in which the death of a highway worker occurs shall, upon conviction or plea of guilty, be guilty of a class C felony and have his or her driver's license revoked under section 302.304.

4. Except for the offense established under subdivision (6) of subsection 1 of this section, no person shall be deemed to commit the offense of endangerment of a highway worker except when the act or omission constituting the offense occurred when one or more highway workers were in the construction zone or work zone.

5. No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under subsection 1 of this section, if such act or omission resulted in whole or in part from mechanical failure of the person's vehicle or from the negligence of another person or a highway worker."; and

Further amend said bill, Pages 31 to 32, Section 304.590, by striking said section from the bill; and

Further amend said bill, Page 32, Section 307.178, Line 12, by striking the word "four" and inserting in lieu thereof the following:

"sixteen"; and

Further amend Line 13, by striking "210.104, RSMo"; and inserting in lieu thereof the following:

"307.179"; and

Further amend said bill, Page 33, Section 307.178, Line 48, by striking said line and inserting in lieu thereof the following:

"vehicle, then the [driver and] passengers [are not in violation of this section] who are unable to wear seat belts, shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed pursuant to section 302.178, RSMo."; and

Further amend said bill, Pages 33 to 35, Section 307.179, Lines 1 to 41, by striking said section and inserting in lieu thereof the following:

"307.179. 1. As used in this section, the following terms shall mean:

(1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;

(2) "Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

2. Every person transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child as follows:

(1) Children less than four years of age shall be properly secured in a child passenger restraint system appropriate for that child, according to the child passenger restraint system and the vehicle manufacturer's instructions;

(2) Children four through five years of age shall be properly secured in a child passenger restraint system or a child booster seat appropriate for that child, according to the child passenger restraint system and the vehicle manufacturer's instructions;

(3) Children six years of age or older shall be secured by a vehicle safety belt, child passenger restraint system, or booster seat appropriate for that child, according to the child passenger restraint system and the vehicle manufacturer's instructions;

(4) A child, who would otherwise be required to be secured in a booster seat, may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

3. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars. No court costs shall be charged for a violation of this section. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for violation of this section. If a person receives a citation for violating this section, the charges shall be dismissed or withdrawn if the person prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the person's citation.

4. The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus as defined in section 301.010, RSMo.

5. In no event shall failure to employ a child passenger restraint system required by this section provide the basis for a claim of civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child. Nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil action.

6. The state highways and transportation commission shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of this section. The commission may promulgate rules and regulations for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,

if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of fines to be paid for violations of sections [210.104,] 577.070[,] and 577.073, RSMo, and chapters 252, 301, 302, 304, 306, 307 and 390, RSMo, with such fines increasing in proportion to the severity of the violation. The associate circuit judges of each county may meet en banc and adopt the schedule of fines and participation in the centralized bureau pursuant to this section. Notice of such adoption and participation shall be given in the manner provided by supreme court rule. Upon order of the supreme court, the associate circuit judges of each county may meet en banc and establish and maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and villages electing to have violations of its municipal ordinances heard by associate circuit judges, pursuant to section 479.040, RSMo; and for traffic court divisions established pursuant to section 479.500, RSMo. The schedule of fines adopted for violations of municipal ordinances may be modified from time to time as the associate circuit judges of each county en banc deem advisable. No fine established pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for such violation.

2. In no event shall any schedule of fines adopted pursuant to this section include offenses involving the following:

- (1) Any violation resulting in personal injury or property damage to another person;
- (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or drugs;
- (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- (4) Fleeing or attempting to elude an officer.

3. There shall be a centralized bureau to be established by supreme court rule in order to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and payment of a fine, all court costs which would have been collected by the court of the jurisdiction from which the violation originated.

4. If a person elects not to contest the alleged violation, the person shall send payment in the amount of the fine and any court costs established for the violation to the centralized bureau. Such payment shall be payable to the "central violations bureau", shall be made by mail or in any other manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial and a conviction for purposes of section 302.302, RSMo, and for purposes of imposing any collateral consequence of a criminal conviction provided by law. Notwithstanding any provision of law to the contrary, the prosecutor shall not be required to sign any information, ticket or indictment if disposition is made pursuant to this subsection. In the event that any payment is made pursuant to this section by credit card or similar method, the centralized bureau may charge an additional fee in order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having original jurisdiction over the offense. Any trial shall be conducted at the location designated by the court. The clerk of the court in which the case is to be heard shall notify in writing such person of the date certain for the disposition of such charges. The prosecutor shall not be required to sign any information, ticket or indictment until the commencement of any proceeding by the prosecutor with respect to the notice of violation.

6. In courts adopting a schedule of fines pursuant to this section, any person receiving a notice of violation pursuant to this section shall also receive written notification of the following:

- (1) The fine and court costs established pursuant to this section for the violation or information regarding how the person may obtain the amount of the fine and court costs for the violation;
- (2) That the person must respond to the notice of violation by paying the prescribed fine and court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by law may attach for failure to appear and dispose of the violation. The supreme court may modify the suggested forms for uniform complaint and summons for use in courts adopting the procedures provided by this section, in order to accommodate such required written notifications.

7. Any moneys received in payment of fines and court costs pursuant to this section shall not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid to the centralized bureau shall be maintained by the

centralized bureau, invested in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, RSMo, and disbursed as provided by the constitution and laws of this state. Any interest earned on such fund shall be payable to the director of the department of revenue for deposit into a revolving fund to be established pursuant to this subsection. The state treasurer shall be the custodian of the revolving fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch of state government for goods and services related to the administration of the judicial system.

8. Any person who receives a notice of violation subject to this section who fails to dispose of such violation as provided by this section shall be guilty of failure to appear provided by section 544.665, RSMo; and may be subject to suspension of driving privileges in the manner provided by section 302.341, RSMo. The centralized bureau shall notify the appropriate prosecutor of any person who fails to either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time allotted by this section, for purposes of application of section 544.665, RSMo. The centralized bureau shall also notify the department of revenue of any failure to appear subject to section 302.341, RSMo, and the department shall thereupon suspend the license of the driver in the manner provided by section 302.341, RSMo, as if notified by the court.

9. In addition to the remedies provided by subsection 8 of this section, the centralized bureau and the courts may use the remedies provided by sections 488.010 to 488.020, RSMo, for the collection of court costs payable to courts, in order to collect fines and court costs for violations subject to this section."; and

Further amend said bill, Page 40, Section 210.104, Line 10, by inserting after all of said line the following:

"[210.106. In no event shall failure to employ a child passenger restraint system required by section 210.104 provide the basis for a claim of civil liability or negligence or contributory negligence of any person in any action for damages by reason of injury sustained by a child; nor shall such failure to employ such child passenger restraint system be admissible as evidence in the trial of any civil action.];" and

Further amend the title and enacting clause accordingly.

On motion of Representative St. Onge, **House Amendment No. 1** was adopted.

Representative St. Onge offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256, Section 43.250, Page 2, Line 3, by deleting the words "**two**" and inserting in lieu thereof the words "**one**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative St. Onge, **House Amendment No. 2** was adopted.

Representative Schlottach offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256, Section 304.155, Page 24, Line 162, by inserting immediately after said line the following:

"304.184. Notwithstanding any other provision of law to the contrary, any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, between any city and a solid waste disposal area or solid waste processing facility approved by the department of natural resources or department of health and senior servies, may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or a weight not to exceed forty-four thousand eight hundred pounds on any tandem axle; but nothing in this section shall be construed to permit the operation of any motor vehicle on the interstate highway system

in excess of the weight limits imposed by federal statute; and no such truck, tractor-trailer or other combination shall exceed the width and length limitations provided by section 304.190, RSMo."; and

Further amend said bill, Section 210.107, Page 40, Line 10, by inserting immediately after said line the following:

"[260.218. Notwithstanding any other provision of law to the contrary, any truck, tractor-trailer or other combination engaged in transporting solid waste, as defined by section 260.200, between any city and a solid waste disposal area or solid waste processing facility approved by the department of natural resources or department of health and senior services, may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or a weight not to exceed forty-four thousand eight hundred pounds on any tandem axle; but nothing in this section shall be construed to permit the operation of any motor vehicle on the interstate highway system in excess of the weight limits imposed by federal statute; and no such truck, tractor-trailer or other combination shall exceed the width and length limitations provided by section 304.190, RSMo.]" and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Schlottach, **House Amendment No. 3** was adopted.

Representative Denison offered **House Amendment No. 4**.

Representative St. Onge raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Hughes offered **House Amendment No. 5**.

Representative St. Onge raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Shoemyer offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256, Page 32, Section 307.178, Line 14, by deleting all of said line and inserting in lieu thereof the following:

"compliance with this subsection **unless the law enforcement officer has a reasonable belief that the driver or occupants of a vehicle are less than eighteen years of age; however, nothing shall prohibit a law enforcement officer**"; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Selby offered **House Amendment No. 1 to House Amendment No. 6**.

Representative St. Onge raised a point of order that **House Amendment No. 1 to House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Rector offered **House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Substitute Amendment No. 1
for
House Amendment No. 6*

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256, Page 32, Section 307.178, Lines 14-16, by deleting all of said lines and inserting in lieu thereof the following:

“compliance with this subsection. The provisions of this section shall not be applicable to persons”; and

Further amend said bill, Section 307.178, Page 33, Lines 20-21, by deleting the following phrase on said lines, **“or for a search of the driver, passenger, or vehicle”**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Avery	Bean	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Iceet
Jackson	Johnson 47	Jones	Kingery	Kraus
Lager	Lembke	Lipke	Loehner	Marsh
May	McGhee	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Ruestman	Rupp	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Self
Silvey	Smith 14	Smith 118	Stefanick	Stevenson
St. Onge	Sutherland	Threlkeld	Tilley	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 137	Wright 159	Yates
Mr Speaker				

NOES: 061

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Daus	Donnelly	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	Lowe 44	Meadows

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Meiners	Oxford	Page	Robinson	Roorda
Rucker	Salva	Schoemehl	Selby	Shoemyer
Skaggs	Spreng	Storch	Swinger	Villa
Vogt	Wagner	Walsh	Walton	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 004

Baker 123	Boykins	Darrough	Kelly
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VACANCIES: 001

On motion of Representative Rector, **House Substitute Amendment No. 1 for House Amendment No. 6** was adopted by the following vote:

AYES: 091

Baker 123	Bean	Behnen	Black	Brooks
Brown 30	Brown 50	Casey	Chinn	Chappelle-Nadal
Cooper 120	Cooper 158	Cunningham 145	Curls	Davis
Day	Deeken	Dethrow	Dixon	Donnelly
Dusenberg	El-Amin	Emery	Ervin	Fisher
Franz	George	Guest	Harris 110	Haywood
Henke	Hobbs	Hughes	Hunter	Icet
Jones	Kraus	Kuessner	Lager	Lampe
Lembke	Liese	Loehner	Low 39	Marsh
McGhee	Munzlinger	Muschany	Myers	Nance
Nieves	Parson	Phillips	Pollock	Portwood
Quinn	Rector	Richard	Roark	Robb
Robinson	Rucker	Ruestman	Salva	Sander
Sater	Schad	Self	Shoemyer	Skaggs
Smith 118	Sutherland	Tilley	Viebrock	Villa
Vogt	Wagner	Wallace	Wasson	Wells
Whorton	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yates	Young
Mr Speaker				

NOES: 069

Aull	Avery	Baker 25	Bearden	Bivins
Bland	Bowman	Bringer	Bruns	Burnett
Byrd	Cooper 155	Corcoran	Cunningham 86	Darrough
Daus	Dempsey	Denison	Dougherty	Faith
Fares	Flook	Fraser	Goodman	Harris 23
Hoskins	Hubbard	Jackson	Johnson 47	Johnson 61
Johnson 90	Jolly	Kingery	Kratky	LeVota
Lipke	Lowe 44	May	Meadows	Meiners
Moore	Nolte	Oxford	Page	Parker
Pearce	Pratt	Roorda	Rupp	Schaaf
Schlottach	Schneider	Schoemehl	Selby	Silvey

Smith 14	Spreng	Stefanick	Stevenson	St. Onge
Storch	Swinger	Threlkeld	Walsh	Walton
Weter	Wildberger	Yaeger	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 002

Boykins	Kelly
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VACANCIES: 001

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Byrd
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Ice	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 061

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Walsh	Walton	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

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PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 002

Boykins Schaaf

VACANCIES: 001

On motion of Representative St. Onge, **HCS SCS SBs 221, 250 & 256, as amended**, was adopted.

On motion of Representative St. Onge, **HCS SCS SBs 221, 250 & 256, as amended**, was read the third time and passed by the following vote:

AYES: 121

Aull	Avery	Baker 123	Bean	Bearden
Behnen	Black	Bland	Bowman	Bringer
Brown 30	Brown 50	Bruns	Burnett	Byrd
Casey	Chinn	Cooper 120	Cooper 155	Cooper 158
Cunningham 145	Curls	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Ervin	Faith	Fisher
Flook	Franz	Guest	Harris 110	Haywood
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Ice	Jackson	Johnson 47	Johnson 90	Jones
Kelly	Kingery	Kratky	Kraus	Kuessner
Lager	Lampe	Lembke	Liese	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Ruestman	Rupp
Salva	Sander	Sater	Schad	Schlottach
Selby	Self	Shoemyer	Silvey	Skaggs
Smith 14	Stefanick	Stevenson	St. Onge	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Wagner	Wallace	Wasson	Wells	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yates	Young
Mr Speaker				

NOES: 032

Baker 25	Bivins	Brooks	Chappelle-Nadal	Corcoran
Darrough	Daus	Donnelly	El-Amin	Fares
Fraser	Goodman	Harris 23	Henke	Jolly
LeVota	Lipke	Low 39	Meiners	Oxford
Page	Schaaf	Schneider	Schoemehl	Smith 118
Spreng	Storch	Vogt	Walton	Weter
Yaeger	Zweifel			

PRESENT: 008

Cunningham 86	George	Johnson 61	Lowe 44	Meadows
Roorda	Rucker	Walsh		

ABSENT WITH LEAVE: 001

Boykins

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

On motion of Representative Dempsey, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Pro Tem Bearden.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Olivia Harrison.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 3130 - Representative Bearden
House Resolution No. 3131
and
House Resolution No. 3132 - Representative May
House Resolution No. 3133 - Representative Moore, et al.
House Resolution No. 3134 - Representative Yaeger, et al.
House Resolution No. 3135 - Representative Smith (14)
House Resolution No. 3136
and
House Resolution No. 3137 - Representative Cooper (155)
House Resolution No. 3138 - Representative Jetton
House Resolution No. 3139 - Representative Pearce
House Resolution No. 3140 - Representative Harris (110)
House Resolution No. 3141
through
House Resolution No. 3144 - Representative Storch
House Resolution No. 3145
through
House Resolution No. 3148 - Representative Jetton
House Resolution No. 3149 - Representative Jolly, et al.
House Resolution No. 3150 - Representative Lager

THIRD READING OF SENATE BILLS

HCS SS SCS SB 287, relating to education funding, was taken up by Representative Baker (123).

HCS SS SCS SB 287 was laid over.

HCS SS SCS SBs 74 & 49, relating to the Department of Health and Senior Services, was taken up by Representative Cooper (155).

Representative Cooper (155) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 & 49, Section B, Page 11, Lines 7 and 8, by striking the phrase "July 1, 2005" on said line and inserting in lieu thereof the phrase "June 29, 2005"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Cooper (155), **House Amendment No. 1** was adopted.

Representative Cooper (155) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 & 49, Section 193.145, Page 11, Line 56, by inserting after all of said line the following:

"195.060. 1. Except as provided in subsection 3 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall **either** write the date of filling and his own signature on the prescription **or retain the date of filling and the identity of the dispenser as electronic prescription information**. The prescription **or electronic prescription information** shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

3. A pharmacist, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

4. It shall be unlawful for controlled substances to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form **or indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or attached to the prescription form** the medical reason for requiring the larger supply.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Jetton resumed the Chair.

On motion of Representative Cooper (155), **House Amendment No. 2** was adopted.

Representative Portwood offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 & 49, Section 192.326, Page 3, Line 11, by inserting immediately after said line the following:

"192.375. 1. There is hereby established within the department of health and senior services the "Missouri Senior Advocacy and Efficiency Commission". The commission shall consist of the following fifteen members, or their designees, who are residents of this state:

- (1) The director of the department of health and senior services;**
- (2) Two members of the Missouri senate, appointed by the president pro tem of the senate;**
- (3) Two members of the Missouri house of representatives, appointed by the speaker of the house;**
- (4) A pharmacist licensed in the state of Missouri, recommended by the Missouri board of pharmacy and appointed by the governor;**
- (5) A representative of the Pharmaceutical Research and Manufacturers of America, appointed by the governor;**
- (6) One members of the Missouri silver-haired legislature, appointed by the governor;**
- (7) One members of the Missouri senior Rx commission, appointed by the governor;**
- (8) One representative from the assisted living community who currently serve on the personal independence commission, appointed by the governor;**
- (9) One representative of the Missouri Area Agency on Aging, appointed by the governor;**
- (10) One member of the special health, psychological, and social needs of minority older individuals commission;**
- (11) One member of the governor's advisory council on aging, appointed by the governor;**
- (12) The lieutenant governor, who shall serve as chair of the commission; and**
- (13) One member from the Missouri council for in-home services, appointed by the governor.**

In making the initial appointment to the committee, the governor, president pro tem, and speaker shall stagger the terms of the appointees so that five members serve an initial terms of one year, five members serve initial

terms of two years and five members serve initial terms of three years. All members appointed thereafter shall serve three year terms. All members shall be eligible for reappointment.

Members of the commission shall be appointed by October 1, 2005. Members shall continue to serve until their successor is appointed and qualified. Any vacancy on the commission shall be filled in the same manner as the original appointment. The commission shall be dissolved on December 31, 2008.

2. Service on the commission shall be voluntary. Subject to appropriations, members of the commission shall receive with reasonable reimbursement for expenses actually incurred in the performance of the member's official duties for members who are not employees of the state of Missouri.

3. Subject to appropriations, the department of health and senior services shall provide administrative support and resources as is necessary for the effective operation of the commission.

4. Meetings shall be held at least every ninety days or at the call of the commission chair.

5. The senior advocacy and efficiency commission shall:

(1) Hold public hearings in accordance with chapter 536, RSMo, to gather information from any state agency, commission, or public entity on issues pertaining to the quality and efficiency of all senior services offered by the state of Missouri;

(2) Analyze state statutes, commissions, and administrative rules regarding services offered by the state of Missouri for senior citizens and designate which programs provide effective and efficient support to seniors and the programs that lack quality;

(3) Establish a mechanism to educate the staff of the member's of the Missouri general assembly to assist seniors, including but not limited to assisting seniors in applying for any and all prescription drug assistance offered under the federal Medicare Prescription Drug Modernization Act of 2003;

(4) Develop a plan that delays the need for the provisions of long-term care outside the residence of senior citizens and allows seniors to remain at home for as long as possible;

(5) Maintain a web site with detailed information regarding all programs and services offered by the state of Missouri which are available to seniors;

(6) Maintain a toll-free senior advocacy support telephone number which directs seniors to all services offered by the state of Missouri which are available to seniors;

(7) Submit an annual report on the activities of the commission to the director of the department of health and senior services, the members of the Missouri general assembly, and the governor by February 1, 2007, and every February first thereafter. Such report shall include, but not be limited to, the following:

(a) Efficiencies that can be realized by consolidation of senior services offered by Missouri;

(b) Effectiveness of all senior services, programs, and commissions offered by the state of Missouri;

(c) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and

(d) Measurable data to identify the cost effectiveness of the services, programs, and commissions evaluated.

6. Unless reauthorized, the provisions of this section shall sunset on December 31, 2008.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Portwood, **House Amendment No. 3** was adopted by the following vote:

AYES: 112

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Bivins	Black	Bland	Bowman
Bringer	Brown 30	Brown 50	Bruns	Burnett
Byrd	Casey	Chappelle-Nadal	Cooper 158	Corcoran
Curls	Day	Deeken	Dempsey	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Faith
Fares	George	Goodman	Guest	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Icet	Johnson 61	Johnson 90	Jolly
Jones	Kingery	Kratky	Kraus	Kuessner

Lager	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44	May
McGhee	Meadows	Meiners	Moore	Muschany
Myers	Nance	Nieves	Nolte	Oxford
Page	Parker	Parson	Portwood	Pratt
Quinn	Rector	Richard	Robb	Robinson
Roorda	Rucker	Ruestman	Salva	Sater
Schad	Schoemehl	Selby	Self	Silvey
Spreng	Stefanick	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Wagner
Wallace	Walsh	Walton	Wasson	Wilson 130
Witte	Wright 137	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 042

Behnen	Chinn	Cooper 120	Cooper 155	Cunningham 145
Cunningham 86	Daus	Davis	Denison	Dethrow
Emery	Ervin	Fisher	Flook	Franz
Fraser	Hobbs	Hunter	Jackson	Johnson 47
Kelly	Marsh	Munzlinger	Pearce	Phillips
Pollock	Roark	Rupp	Sander	Schaaf
Schlottach	Shoemyer	Skaggs	Smith 14	Smith 118
Villa	Wells	Weter	Whorton	Wilson 119
Wood	Wright 159			

PRESENT: 002

Brooks Wright-Jones

ABSENT WITH LEAVE: 006

Boykins	Darrough	Schneider	Viebrock	Vogt
Wildberger				

VACANCIES: 001

Representative Stefanick offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 & 49, Section 701.049, Page 11, Line 11, by inserting after all of said line the following:

“Section 1. 1. As used in this section, the term “department” shall mean the Department of Health and Senior Services.

2. Subject to appropriations, the department may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 660.661 through 660.687, RSMo, to each person who was participating as a non-Medicaid eligible client pursuant to Sections 178.661 through 178.673, RSMo on June 30, 2005 and who:

- (1) Makes application to the department;**
- (2) Demonstrates financial need and eligibility under subsection 3 of this section;**
- (3) Meets all the criteria set forth in sections 660.661 through 660.687, RSMo, except for section 660.664.1(5);**
- (4) Has been found by the Department of Social Services not to be eligible to participate under guidelines established by the Medicaid state plan; and**

(5) Does not have access to affordable employer-sponsored health care insurance or other affordable health care coverage for personal care assistance services as defined in section 660.661, RSMo. For purposes of this section, “access to affordable employer-sponsored health care insurance or other affordable health care coverage” refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state’s current Missouri consolidated health care plan.

Payments made by the department under the provisions of this section shall be made only after all other available sources of payment have been exhausted.

3. (1) In order to be eligible for financial assistance for consumer-directed personal care assistance services under this section, a person shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the person seeking financial assistance and such person’s spouse.

(2) In order to demonstrate financial need, a person seeking financial assistance under this section and such person’s spouse must have an adjusted gross income, less disability-related medical expenses, as approved by the department, that is equal to or less than three hundred percent of the federal poverty level. The adjusted gross income shall be based on the most recent income tax return.

(3) No person seeking financial assistance for personal care services under this section and such person’s spouse shall have assets in excess of two-hundred fifty thousand dollars.

4. The department shall require applicants and the applicant’s spouse, and consumers and the consumer’s spouse to provide documentation for income, assets, and disability-related medical expenses for the purpose of determining financial need and eligibility for the program. In addition to the most recent income tax return, such documentation may include, but shall not be limited to:

- (a) Current wage stubs for the applicant or consumer and the applicant’s or consumer’s spouse;
- (b) A current W-2 form for the applicant or consumer and the applicant’s or consumer’s spouse;
- (c) Statements from the applicant’s or consumer’s and the applicant’s or consumer’s spouse’s employers;
- (d) Wage matches with the division of employment security;
- (e) Bank statements; and
- (f) Evidence of disability-related medical expenses and proof of payment.

5. A personal care assistance services plan shall be developed by the department pursuant to section 660.667, RSMo for each person who is determined to be eligible and in financial need under the provisions of this section. The plan developed by the department shall include the maximum amount of financial assistance allowed by the department, subject to appropriation, for such services.

6. Each consumer who participates in the program is responsible for a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total premium described in this section shall not exceed five percent of the consumer’s and the consumer’s spouse’s income for the year involved.

7. (1) Nonpayment of the premium required in subsection 6 shall result in the denial or termination of assistance, unless the person demonstrates good cause for such nonpayment.

(2) No person denied services for nonpayment of a premium shall receive services unless such person shows good cause for non payment and makes payments for past due premiums as well as current premiums.

(3) Any person who is denied services for nonpayment of a premium and who does not make any payments for past due premiums for sixty consecutive days shall have their enrollment in the program terminated.

(4) No person whose enrollment in the program is terminated for nonpayment of a premium when such nonpayment exceeds sixty consecutive days shall be re-enrolled unless such person pays any past due premiums as well as current premiums prior to being re-enrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument.

8. (1) Consumers determined eligible for personal care assistance services under the provisions of this section shall be reevaluated annually to verify their continued eligibility and financial need. The amount of financial assistance for consumer-directed personal care assistance services received by the consumer shall be adjusted or eliminated based on the outcome of the reevaluation. Any adjustments made shall be recorded in the consumer’s personal care assistance services plan.

(2) In performing the annual reevaluation of financial need, the department shall annually send a re-verification eligibility form letter to the consumer requiring the consumer to respond within ten days of receiving the letter and to provide income and disability-related medical expense verification documentation. If the department does not receive the consumer’s response and documentation within the ten-day period, the

department shall send a letter notifying the consumer that he or she has ten days to file an appeal or the case will be closed.

(3) The department shall require the consumer and the consumer's spouse to provide documentation for income and disability-related medical expense verification for purposes of the eligibility review. Such documentation may include, but shall not be limited to the documentation listed in subsection 4 of this section.

9. (1) Applicants for personal care assistance services and consumers receiving such services pursuant to this section are entitled to a hearing with the department of social services if eligibility for personal care assistance services is denied, if the type or amount of services is set at a level less than the consumer believes is necessary, if disputes arise after preparation of the personal care assistance plan concerning the provision of such services, or if services are discontinued as provided in section 660.684, RSMo. Services provided under the provisions of this section shall continue during the appeal process.

(2) A request for such hearing shall be made to the department of social services in writing in the form prescribed by the department of social services within ninety days after the mailing or delivery of the written decision of the department of health and senior services. The procedures for such requests and for the hearings shall be as set forth in section 208.080, RSMo.

10. Unless otherwise provided in this section, all other provisions of sections 660.661 through 660.687, RSMo shall apply to individuals who are eligible for financial assistance for personal care assistance services under this section.

11. The department may promulgate rules and regulations, including emergency rules, to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Any provisions of the existing rules regarding the personal care assistance program promulgated by the department of elementary and secondary education in title 5, code of state regulation, division 90, chapter 7, which are inconsistent with the provisions of this section are void and of no force and effect.

12. The provisions of this section shall expire on June 30, 2006.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Stevenson offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 74 & 49, Section 1, Page 3, Line 7, by inserting before the word “**income**” on said line the following:

“**adjusted gross**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Stevenson, **House Amendment No. 1 to House Amendment No. 4** was adopted.

On motion of Representative Stefanick, **House Amendment No. 4, as amended**, was adopted.

Representative Jolly offered **House Amendment No. 5.**

Representative Stevenson raised a point of order that **House Amendment No. 5** goes beyond the scope of the underlying bill.

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The Chair ruled the point of order well taken.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Byrd
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Iceet	Jackson	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Ruestman	Rupp	Sander	Sater
Schaaf	Schad	Schlottach	Self	Silvey
Smith 14	Smith 118	Stefanick	Stevenson	St. Onge
Sutherland	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 137	Wright 159	Yates	Mr Speaker

NOES: 059

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Selby	Shoemyer
Skaggs	Spreng	Storch	Swinger	Villa
Wagner	Walsh	Walton	Whorton	Witte
Wright-Jones	Yaeger	Young	Zweifel	

PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 007

Boykins	Johnson 47	Pollock	Schneider	Schoemehl
Vogt	Wildberger			

VACANCIES: 001

On motion of Representative Cooper (155), **HCS SS SCS SBs 74 & 49, as amended**, was adopted.

On motion of Representative Cooper (155), **HCS SS SCS SBs 74 & 49, as amended**, was read the third time and passed by the following vote:

AYES: 157

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bland
Bowman	Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Casey	Chinn
Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Fraser	George
Goodman	Guest	Harris 110	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Ice	Jackson	Johnson 61	Johnson 90	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
Marsh	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schoemehl	Selby	Self
Shoemyer	Silvey	Skaggs	Smith 14	Smith 118
Spreng	Stefanick	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Wagner	Wallace	Walsh	Walton
Wasson	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 137
Wright 159	Wright-Jones	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 001

Harris 23

PRESENT: 000

ABSENT WITH LEAVE: 004

Boykins	Johnson 47	Schneider	Vogt
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VACANCIES: 001

The emergency clause was adopted by the following vote:

AYES: 158

Aull	Avery	Baker 25	Baker 123	Bean
Bearden	Behnen	Bivins	Black	Bland
Bowman	Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Casey	Chinn
Chappelle-Nadal	Cooper 120	Cooper 155	Cooper 158	Corcoran
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Fraser	Goodman
Guest	Harris 23	Harris 110	Haywood	Henke
Hobbs	Hoskins	Hubbard	Hughes	Hunter
Ice	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	Lembke
LeVota	Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Silvey	Skaggs	Smith 14
Smith 118	Spreng	Stefanick	Stevenson	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Wright-Jones	Yaeger	Yates
Young	Zweifel	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 004

Boykins	George	Pollock	Vogt
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VACANCIES: 001

HCS SB 187, relating to concentrated animal feeding operations, was taken up by Representative Guest.

Speaker Pro Tem Bearden resumed the Chair.

Representative Myers offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 187, Page 4, Section 640.710, Lines 76 and 77, by deleting all of said lines and inserting in lieu thereof the following:

“6. The provisions of subsection 2 of this section shall not apply to any county of the third classification with a township form of government and”; and

Further amend said section and page, Lines 94 and 95, by deleting all of said lines and inserting in lieu thereof the following:

“seventy-three thousand eight hundred inhabitants.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Chinn offered **House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Committee Substitute for Senate Bill No. 187, Page 4, Section 640.710, Lines 76 and 77, by deleting all of said lines and inserting in lieu thereof the following:

“6. The provisions of subsection 2 of this section shall not apply to any county of the third classification with a township form of government and”; and

Further amend said section and page, Lines 94 and 95, by deleting all of said lines and inserting in lieu thereof the following:

“seventy-three thousand eight hundred inhabitants.”; and

Further amend said page and section, Line 95, by inserting after all of said line the following:

"7. Any county or political subdivision located within any county subject to the provisions of subsection 6 of this section shall be subject to the provisions of subsection 2 of this section for any additional or more restrictive regulatory or local controls.

8. In any county of the third classification with a township form of government and with more than thirteen thousand seven hundred but fewer than thirteen thousand eight hundred inhabitants, any county of the third classification with a township form of government and with more than fourteen thousand five hundred but fewer than fourteen thousand six hundred inhabitants, any county of the third classification without a township form of government and with more than four thousand nine hundred but fewer than five thousand inhabitants, any county of the second classification with more than thirty-nine thousand four hundred but fewer than thirty-nine thousand five hundred inhabitants, any county of the third classification with a township form of government and with more than twenty-one thousand nine hundred fifty but fewer than twenty-two thousand nine hundred fifty inhabitants, any county of the third classification with a township form of government and with more than eight thousand nine hundred but fewer than nine thousand inhabitants, any county of the first classification with more than thirty-seven thousand but fewer than thirty-seven thousand one hundred inhabitants, any county of the third classification with a township form of government and with more than eight thousand eight hundred but fewer than eight thousand nine hundred inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, all class IB, class IC, and class II concentrated animal feeding operations located in such counties and in existence prior to any such county's enactment of regulatory or local controls for concentrated animal feeding operations which are more restrictive than the state laws and regulations shall be exempt from

such a county's more restrictive regulatory or local controls for concentrated animal feeding operations, but shall be subject to all state laws and regulations for concentrated animal feed operations, including but not limited to the provisions of sections 640.703 to 640.758."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Whorton offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1.**

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 1*

AMEND House Substitute Amendment No. 1 for House Amendment No. 1 to House Committee Substitute for Senate Bill No. 187, Page 2, Section 640.710, Lines 14-24, by deleting said lines and inserting in lieu thereof the following:

“construction, operation, and management of any animal feeding operation shall consider recommendations from the respective soil and water conservation board. Such recommendations shall be based on peer-reviewed scientific and economic data that clearly documents the geological, environmental, and economic impact of the more restrictive controls. The recommendations must be received from the respective soil and water conservation district board within one hundred eighty days.”; and

Further amend said section, Page 3, Lines 25-50, by deleting all of said lines; and

Further amend said section and page, Line 51, by deleting “(6)” and inserting in lieu thereof “(2)”;

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Byrd
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Ice	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley

Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 060

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Corcoran
Curls	Darrough	Daus	Donnelly	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	Lowe 44	Meadows
Meiners	Oxford	Page	Robinson	Roorda
Rucker	Schoemehl	Selby	Shoemyer	Skaggs
Spreng	Storch	Swinger	Villa	Vogt
Wagner	Walsh	Walton	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zweifel

PRESENT: 002

Chappelle-Nadal	Dougherty
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ABSENT WITH LEAVE: 003

Boykins	Portwood	Salva
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VACANCIES: 001

Representative Whorton moved that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 074

Aull	Baker 25	Baker 123	Bland	Bowman
Bringer	Brooks	Brown 30	Brown 50	Burnett
Byrd	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	El-Amin	Fraser
George	Harris 23	Harris 110	Haywood	Henke
Hoskins	Hubbard	Hughes	Johnson 61	Johnson 90
Jolly	Kratky	Kuessner	Lampe	LeVota
Liese	Low 39	Lowe 44	Marsh	Meadows
Meiners	Oxford	Page	Parker	Robinson
Roorda	Rucker	Salva	Schaaf	Schoemehl
Selby	Self	Shoemyer	Skaggs	Smith 14
Smith 118	Spreng	Storch	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Weter
Whorton	Wildberger	Witte	Wood	Wright 137
Wright-Jones	Yaeger	Young	Zweifel	

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NOES: 087

Avery	Bean	Bearden	Behnen	Bivins
Black	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Dougherty	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Goodman
Guest	Hobbs	Hunter	Ice	Jackson
Johnson 47	Jones	Kelly	Kingery	Kraus
Lager	Lembke	Lipke	Loehner	May
McGhee	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Ruestman
Rupp	Sander	Sater	Schad	Schlottach
Schneider	Silvey	Stefanick	Stevenson	St. Onge
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Wasson	Wells	Wilson 119	Wilson 130	Wright 159
Yates	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 001

Boykins

VACANCIES: 001

On motion of Representative Chinn, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Byrd
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Ice	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Self	Silvey	Smith 14	Smith 118
Stefanick	Stevenson	St. Onge	Sutherland	Threlkeld

Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Yates	Mr Speaker			

NOES: 062

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 001

Dougherty

ABSENT WITH LEAVE: 002

Boykins Wright 159

VACANCIES: 001

On motion of Representative Guest, **HCS SB 187, as amended**, was adopted.

Representative Guest moved that **HCS SB 187, as amended**, be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 077

Aull	Bean	Bearden	Behnen	Bivins
Black	Bringer	Bruns	Chinn	Cooper 120
Cooper 155	Cooper 158	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Fisher
Flook	Franz	Guest	Hobbs	Hunter
Jackson	Jones	Kelly	Kingery	Kraus
Lager	Lembke	Lipke	Loehner	May
McGhee	Moore	Munzlinger	Myers	Nance
Nieves	Nolte	Parson	Pearce	Phillips
Pollock	Pratt	Quinn	Rector	Roark
Robb	Rupp	Sander	Sater	Schad
Schlottach	Schneider	Silvey	Stevenson	St. Onge
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Wallace	Wells	Wilson 119	Witte	Wright 159
Yates	Mr Speaker			

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NOES: 084

Avery	Baker 25	Baker 123	Bland	Bowman
Brooks	Brown 30	Brown 50	Burnett	Byrd
Casey	Chappelle-Nadal	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Donnelly	Faith
Fares	Fraser	George	Goodman	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Ice	Johnson 47	Johnson 61	Johnson 90
Jolly	Kratky	Kuessner	Lampe	LeVota
Liese	Low 39	Lowe 44	Marsh	Meadows
Meiners	Muschany	Oxford	Page	Parker
Portwood	Richard	Robinson	Roorda	Rucker
Ruestman	Salva	Schaaf	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 14	Smith 118
Spreng	Stefanick	Storch	Villa	Vogt
Wagner	Walsh	Walton	Wasson	Weter
Whorton	Wildberger	Wilson 130	Wood	Wright 137
Wright-Jones	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 001

Boykins

VACANCIES: 001

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate conferees on **SS SCS HCS HB 58, as amended**, are allowed to exceed the differences on the water shut-off provision and the watershed provision.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 177**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 209**, entitled:

An act to amend chapters 71 and 92, RSMo, by adding thereto nine new sections relating to assessment and collection of various taxes on telecommunications companies.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 7, Section 92.086, Line 28 of said page, by inserting immediately after the word "all" the following:

"wireless".

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 10, Section 92.086, Line 1 of said page, by inserting after "half" the following: "**the sum**"; and

Further amend said line by striking "difference between the".

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 1, In the Title, Line 4, by inserting after "companies" the following:

", with an effective date for certain sections"; and

Further amend said bill, Page 14, Section 92.098, Line 22, by inserting after all of said line the following:

"227.241. Sections 227.241 to 227.249 shall be known as the "State Highway Utility Relocation Act". The commission shall not be required to redesign any project plans or mail additional notices, nor shall the owner of a utility facility be required to submit additional relocation plans or otherwise comply with requirements of sections 227.241 to 227.249 for any construction project on a state highway for which the letting date was prior to December 31, 2005.

227.242. As used in sections 227.241 to 227.249, the following terms shall mean:

(1) **"Act of God", an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight;**

(2) **"Commission," the highways and transportation commission created under section 226.020, RSMo, and article IV, section 29 of the Missouri Constitution, the director, or designees of the director for the purpose of sections 227.240 to 227.248;**

(3) **"Construction project", all contracts for construction of state highways let under section 227.100, except for contracts for maintenance or resurfacing determined by the commission not to conflict with public utilities and routine maintenance and repairs completed by employees of the commission. This term shall also include state highway construction projects of transportation development districts and corporations under chapter 238, RSMo, if such projects are awarded pursuant to section 227.100. The term "construction project" shall not include projects for road beautification, road irrigation, and drainage projects, culvert installation or repair, sound wall installation, decorative lighting, landscaping, or other projects not directly related to improving or routing highway traffic. The term "construction project" shall also not include any project authorized by the commission to accommodate any private development, including a shopping mall, stadium, office building, or arena;**

(4) **"Contractor", any person entering into a contract with the highway and transportation commission for purposes of completing a construction project on a state highway, including a subcontractor or supplier to such contractor;**

(5) **"Customer delays", delays in the relocation work due to delays caused by the utility's customers, including but not limited to delays in getting written or oral approvals from customers for permissible utility service cut-over dates;**

(6) **"Cut-over date", the date utility owner interrupts utility service to a utility customer provided through an existing utility facility and switches the service over to a new utility facility serving the customer;**

(7) **"Day" or "days", a business day or a period of consecutive business days consisting of every work day excluding Saturdays, Sundays, and legal holidays;**

(8) **"Director", the director of the Missouri department of transportation appointed pursuant to section 226.040;**

(9) **"Extreme weather event", a severe weather occurrence, including but not limited to fire, flood, earthquake, tornado, wind, hurricane, storm, ice, abnormal rainfall, blizzard, or extended periods of severe inclement weather;**

(10) **"Letting date", the date established by the commission for the acceptance of bids by contractors under section 227.100;**

- (11) "Mail", a dated written transmittal sent to the addressee by regular or certified mail;
- (12) "Maintenance", routine work performed on state highways by employees of the commission or contractors to the commission, including minor pavement and shoulder repairs, striping, grading, irrigation ditch clearing, street overlays, and other work determined by the commission not to conflict with public utilities;
- (13) "Notice to proceed", notice by the commission to a contractor to proceed with work on a contract awarded by the commission;
- (14) "Owner", the individual, firm, joint venture, partnership, corporation, association, cooperative, municipality, county, district, political subdivision, department, agency, or any other institution owning or operating utility facilities;
- (15) "Project plans", any plan for highway construction projects demonstrating the need to design and conduct utility facility alterations or relocations due to the work;
- (16) "Relocate" or "relocation", the adjustment of utility facilities, as the commission or director may determine is necessary in connection with the construction of a state highway. Relocation includes:
 - (a) Removing and reinstalling the utility facility, including necessary temporary facilities;
 - (b) Moving, rearranging, or changing the type of existing utility facilities; and
 - (c) Taking any necessary safety and protective measures;
- (17) "Relocation plan," a plan designed by the owner to carry out utility facility relocation work to accommodate a construction project on a state highway;
- (18) "Resurfacing", work which provides a new roadway surface for existing pavement on a state highway, including minor base patching, intersection paving, shoulder work, and guard rail work which is determined by the commission not to conflict with public utilities;
- (19) "State highway", a highway constructed or maintained at the cost of the state or constructed with the aid of state funds or United States government funds or any highway included by authority of law in the state highway system or any highway constructed under the authority of a transportation development district or corporation under chapter 238, RSMo, where such contract is awarded under section 227.100;
- (20) "Utility contractor", a person contracting with an owner of a utility facility or a subcontractor to a person contracting with an owner of a utility facility, for the alteration relocation or installation of a utility facility in connection with a construction project on a state highway;
- (21) "Utility facility", any underground facility as defined in section 319.015, RSMo, and aboveground facilities, including poles, lines, wires, and appurtenances for the purposes of electrical power, telephone, telegraph, fiber optic and cable television services, and any other purpose or which aboveground utility facilities may be located along state highways;
- (22) "Work", construction and services required of the contractor by the contractor's contract with the commission, including excavation as that term is defined in section 319.015, RSMo.

227.243. 1. At the earliest possible date in the design of a construction project on a state highway, the commission shall attempt to determine what utility facilities are located within the right-of-way of the planned construction project by researching permit files and reviewing map files maintained by the commission. The commission shall also, as necessary, conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

2. Within thirty days of completion of the survey conducted under subsection 1 of this section, the commission shall notify in writing owners of each known utility facility that a construction project is planned that may conflict with their utility facility. The notification shall include the name or route number of the highway, the geographical limits of the planned construction project, a general description of the work to be done including a preliminary plan, the desired date for completion of a relocation plan, and the anticipated month and year a letting date could be set for the construction project.

3. The owner shall examine the notice and notify the commission in writing of any utility facility not correctly described in the commission's notice. Within sixty days of receiving the notice required in subsection 2 of this section, the owner shall provide a written response to the commission. The response shall describe and provide the general location of each utility facility of the owner by confirming the location shown in the commission's notice or by providing additions or corrections.

227.244. 1. Upon completion of the initial design of the construction project, the commission shall provide at least one set of project plans to each owner of a utility facility identified under section 227.243.

2. The project plans shall show those portions of the construction project upon which the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for

the project. The commission shall also provide with the project plans a description of any right-of-way still to be purchased and the anticipated letting date of the project. The project plan shall be accompanied by a complete set of plans including profile, cross-section, drainage, signal, lighting, signing plans, temporary road plans that may affect utilities, and other pertinent plan sheets. Upon request of the owner, the commission shall provide any additional plan information needed by the owner to design and lay out the removal, relocation, or adjustment of existing facilities and the placement of relocated or new utility facilities within the limits of the construction project.

3. Within thirty days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment and return the marked-up project plans to the commission. The plan of adjustment shall include:

- (1) Verification that all utility facilities are shown;
- (2) The proposed location of adjusted utility facilities;
- (3) Any additional right-of-way requirements; and
- (4) Any other concerns.

4. When two or more owners have facilities in the area encompassed by the construction project, the commission shall schedule a utility coordination meeting as soon as possible but no longer than thirty days from the date the project plans were mailed. The commission's project manager and all owners are required to attend this meeting. If there is a conflict between two owners which cannot be satisfactorily resolved by the owners, the commission shall determine the most appropriate method to resolve the conflict between the two owners, and, in making such determination, shall weigh equally the length of time necessitated by each owner's proposal, and the relative cost to each owner if the other's proposal is adopted. The commission shall notify all utility owners involved with the project in writing of the commission's acceptance or revisions to the utility plan of adjustment.

227.245. 1. Within one hundred twenty days of receiving written notice of approval of the utility plan of adjustment from the commission, the owner shall provide the commission with a relocation plan. The one hundred twenty-day clock stops after the relocation plan is submitted by the owner. If, after timely submission of the relocation plan by the owner, revisions or alterations are necessary for any reason, or if the original relocation plan was incomplete due to information needed from other parties, the one hundred twenty-day clock begins to run again when the needed information is received back by the owner.

2. The relocation plan shall include a narrative description of work that will be done in relocating the owner's utility facilities and whether the work or a portion of the work must be coordinated with or is contingent upon work being performed by another utility facility owner or the contractor to the commission. The relocation plan shall list, if applicable, any anticipated issues or problems related to the acquisition of right-of-way. The relocation plan shall, if applicable, detail the anticipated number of days to acquire additional easements not provided within the new highway right-of-way. The relocation plan shall also give estimates as to the time needed to obtain any necessary customer approvals for cut-over dates, if necessary. The relocation plan shall state when the work will be started and the length of time in days estimated to complete the work. It is permissible for an owner to state in a relocation plan that the owner's work will be completed within a stated number of days from the date that a contractor or another owner completes certain identified work which interferes with the owner's work. The relocation plan shall identify any contingencies, if applicable, that may impact the anticipated start of relocation. The relocation plan shall also describe whether the plan is incomplete due to:

- (1) Other owners failing to coordinate their plans with the owner submitting the plan;
- (2) Other owners failing to provide information necessary to submit a complete relocation plan;
- (3) The commission failing to provide any information required by subsection 2 of section 227.244; or
- (4) Any other reason explained in the plan regarding the circumstances and cause of the plan being incomplete.

3. The commission shall review the relocation plan to ensure compatibility with permit requirements, the project plan, and the anticipated letting date and notice to proceed for the project. If utility relocation is dependent upon or must be coordinated with work to be completed by the contractor, the relocation plan shall assure timely completion of the project. If the relocation plan is acceptable to the commission, the commission shall notify the owner in writing within thirty days of receiving the plan. If the relocation plan submitted by the owner is not compatible, reasonable, or does not allow timely completion of the project, the commission shall advise the owner in writing as soon as practicable, but not later than thirty days after receiving the relocation plan. The commission shall specify in the notice which parts of the relocation plan it finds objectionable, and the reasons for its conclusions. The owner shall submit a revised relocation plan within thirty calendar days after receipt of notice by the commission that the relocation plan is not acceptable. The commission shall review the revised relocation plan, and if the relocation plan is still not acceptable, the commission shall provide a relocation

plan to the owner. The owner shall not be bound by the terms of the commission's relocation plan if such relocation plan:

- (1) Requires the payment of overtime to employees to expedite the construction project; or
- (2) Requires the owner to comply with a deadline which is not feasible due, in whole or in part, to one or more factors outside the control of the owner.

4. If the owner informs the commission, in writing, or the commission determines that the owner's relocation work is dependent upon or must be coordinated with work being performed by the commission's contractor, the commission shall convene a meeting of the contractor and the one or more owners whose relocation work is dependent upon or must be coordinated with the contractor's work. Such meeting shall be held after the letting date at which bids were received for the construction project, but prior to the issuance of a notice to proceed to the commission's contractor. After such meeting, and before or concurrent with the issuance of a notice to proceed, the commission shall provide a schedule for the relocation of utilities to the owner and the commission's contractor. If the approved relocation plan, or a portion of such plan, is dependent upon or must be coordinated with work to be performed by the contractor, the contractor shall notify the commission of its best estimate of the date that all construction necessary for the relocation of utilities will be completed, at least fourteen days prior to such date. If such completion date is delayed due to weather or other causes, the contractor shall immediately notify the commission of the delay and the revised expected completion date. The contractor shall give a second notice to the commission five days prior to the date work will be completed as necessary for relocation work to begin. It shall be the responsibility of the commission to notify the owner or owners of the contractor's estimated completion dates. The contractor may also notify the owner directly of such dates, if the contractor has received information from the owner under subsection 7 of this section, but such notice shall not relieve the commission of its obligation to notify the owner. If the contractor's delay causes additional delay by the owner, the commission and the owner shall negotiate in good faith to determine the new completion date.

5. (1) The commission shall notify the owner in writing not less than thirty days before the owner is required to begin relocation provided for in the approved relocation plan. Unless the owner has encountered excusable delay as set forth in subsection 4 of section 227.248, the owner shall complete its work within the time frame described in the relocation plan, and shall complete all work that can be done prior to construction before the issuance of the notice to proceed, including work that may need to be coordinated with other utility owners but is not dependent on the work of the contractor.

(2) The notice required by subdivision (1) of this subsection shall include the name, address, telephone number, facsimile number, and electronic mail address of the commission's contractor and any subcontractors performing work on the construction project. Such information shall also include the name and title of an individual employed by the contractor or subcontractor having primary responsibility for the construction project. Within fifteen days of receiving notice, the owner shall provide to the commission and the commission's contractor the name, address, telephone number, facsimile number, and electronic mail address of the employee of the owner who is responsible for implementation of the owner's relocation plan and the same information for any utility contractor to the owner for purposes of carrying out the relocation plan.

6. The owner shall notify the commission when relocation work has started. During the course of the relocation work, the commission may require owners to provide progress reports until its relocation is completed. The owner shall notify the commission when all relocation work is complete. All notices of either starting or completion of relocation work and all monthly progress reports shall be provided within five days after such dates.

227.246. 1. If, prior to the letting date of the construction project, the commission's project plan is changed so that additional or different utility relocation work is found necessary, the commission shall furnish a revised project plan under section 227.244, and the owner shall provide the commission with a revised relocation plan under section 227.245, except that the time allowed for the owner to submit the revised relocation plan after receipt of the revised project plan shall not exceed sixty days.

2. If, after the letting date of the highway construction project, additional utility relocation work is found necessary which was not indicated on the original project plan, the commission shall provide the owner with a revised project plan within fifteen days and the commission and the owner shall agree on a reasonable schedule for completion of the additional utility location.

227.247. 1. The commission shall have authority to require that any required notice, response, or plan be submitted by mail or certified mail. Otherwise notices, plans, and other statements in writing may be provided by mail, facsimile, or electronic mail. The commission may require that some form of proof of receipt be provided

in regard to any notice, plan, or other statement in writing. Upon mutual agreement between the commission and an owner, additional time may be granted for the completion of any act required by sections 227.241 to 227.249.

2. Nothing in sections 227.241 to 227.249 shall be construed to relieve a contractor from making notice of excavation as required by sections 319.010 to 319.050, RSMo, of the underground facility safety and damage prevention act, or complying with the requirements of sections 319.075 to 319.090, RSMo, of the overhead powerline safety act, except to the extent that any provisions of sections 227.241 to 227.249 require additional obligations beyond those set forth in sections 319.011 to 319.050, RSMo, or sections 319.075 to 319.090, RSMo, in which case the requirements of sections 227.241 to 227.249 shall prevail.

227.248. 1. If the owner of a utility facility fails to provide the responses or corrections to project plans required by sections 227.243 to 227.246, the commission may recover from the owner damages in the amount of up to one hundred dollars per day for each day the required act is not completed.

2. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities in accordance with the relocation plan as required by section 227.245, the commission may recover from the owner damages in the amount of up to one thousand dollars per day for each day the required act is not completed.

3. The damages authorized by subsections 1 and 2 of this section may be recovered through actions brought by the chief counsel to the commission, or may be referred to the attorney general for appropriate action. An action to collect the damages authorized by this section shall be brought in a court of appropriate jurisdiction. All damages collected under this section shall be deposited in the state road fund.

4. No damages or fines of any kind shall be assessed for delays that result, in whole or in part, directly or indirectly, from any of the following:

- (1) Customer delays;
- (2) Labor strikes or shortages;
- (3) Terrorist attacks, riots, civil unrest, or criminal sabotage;
- (4) Acts of God, or extreme weather events;
- (5) Delays caused by staffing shortages in the geographic area near the commission's construction project due to the owner's need to reassign an unusual number of workers to any other area to respond to an act of God or extreme weather event;
- (6) The failure of another owner to sufficiently complete its required relocation of utility facilities that interfere with an owner's relocation plan;
- (7) The failure of another owner or delay by another owner in submitting relocation plans that interfere with an owner's relocation plan;
- (8) Delays by the commission in acquiring necessary right-of-way or necessary easements;
- (9) Delays caused by facility damages or cable cuts caused by the commission's contractor, other owners, or third parties;
- (10) Unusual material shortages; and
- (11) Any other event or action beyond the reasonable control of the owner.

The occurrence of any of the unusual events listed in this section shall constitute an affirmative defense to the assessment of damages under the provisions of this section.

5. The removal and relocation of utility facilities shall be made at the expense of the owners unless otherwise provided by the commission. If the owner fails to relocate the utility facilities in accordance with the relocation plan as required by section 227.245, the utility facilities may be removed and relocated by the state highways and transportation commission, or under its direction, and the cost of relocating the utility facilities shall be collected from such owner. If the state highways and transportation commission or its designee removes and relocates the utility facilities, the utility owner shall not be liable to any party for any damages caused by the commission's or the commission's designee's removal and relocation of such facilities.

227.249. Any home rule city having a population of sixty thousand inhabitants or greater or any charter county of the first classification may adopt ordinances, policies, resolutions, or regulations consistent with sections 227.241 to 227.249 regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction, which are not state highways. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation.

Section B. The provisions of sections 227.241 to 227.249 shall become effective January 1, 2006."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 209, Page 8, Section 92.086, Line 2, by adding after the word "companies" the following:

"as identified in 47 U.S.C. Section 332 (D)(1) and 47 C.F.R. Parts 22 or 24"; and

Further amend such section, Line 13, by deleting the word "chapter" and replace in lieu thereof, the word "section"; and

Further amend such section, Line 13, by adding after the word "shall" on such line, the following:

"be determined based only on business customers and shall"; and

Further amend such section, Line 24, by deleting the words "recommend a one time" and replace in lieu thereof the following: "promulgate and publish an".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS HCS HB 334**, entitled:

An act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.403, 104.404, 104.410, 104.450, 104.490, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-one new sections relating to state employee retirement, with an emergency clause for certain sections.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND Senate Substitute for House Committee Substitute for House Bill No. 334, Page 1, In the Title, Line 9 of said page, by striking the words "employee retirement" and inserting in lieu thereof the following: "employees"; and

Further amend said bill, Page 94, Section 476.682, Line 23, by inserting after all of said line the following:

"Section 1. State workers employed pursuant to chapter 226, RSMo may be exempt from the provisions of section 105.935, RSMo."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **HCS SS SB 343, as amended**: Senators Bartle, Loudon, Shields, Days and Callahan.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 348**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 388**, entitled:

An act to amend chapters 374 and 375, RSMo, by adding thereto eight new sections relating to insurance compliance audits.

With Senate Amendment No. 1 and Senate Amendment No. 2.

Senate Amendment No. 1

AMEND House Committee Substitute for House Bill No. 388, Pages 2 to 6, Section 375.1063 to 375.1069, by striking all of said sections; and

Further amend said bill by amending the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND House Committee Substitute for House Bill No. 388, Page 2, Section 374.071, Line 11, by inserting after the word “under” the following: “**subsections 1 and 2 of**”; and

Further amend Line 12, by striking the word “proper”; and

Further amend Line 13, by inserting after the word “or” the following: “**under the authority of any**”; and

Further amend Line 21, by inserting immediately before the word “In” the following:

“**Notwithstanding any provision of subsections 1 and 2 of this section to the contrary,**”.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HBs 518, 288, 418 & 635** entitled:

An act to repeal sections 210.104, 210.106, 210.107, 301.010, 302.510, 302.530, 304.015, 304.016, 304.155, 304.281, 304.351, 304.580, 307.178, 476.385, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first general assembly, first regular session, and to enact in lieu thereof eighteen new sections relating to the operation of motor vehicles, with penalty provisions.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 518, 288, 418 & 635, Page 16, Section 301.010, Line 10, by inserting after all of said line the following:

“302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

- (1) Operate any vehicle upon any highway in this state unless the person has a valid license;
- (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;
- (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
- (4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-five years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 518, 288, 418 & 635, Page 43, Section 304.281, Line 16 of said page, by inserting immediately after said line the following:

"304.282. 1. Wherever used in this section the following terms mean:

(1) **"An automated traffic control system"**, a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to automatically produce two or more photographs, two or more micrographs, a videotape or other recorded images of a motor vehicle entering an intersection in violation of red signal indication authorized under section 304.281;

(2) **"Owner"**, the registered owner of a motor vehicle or lessee of a motor vehicle under a lease of six months or more as shown by the records of the department of revenue.

2. Any automated traffic control system or any device which is part of that system, as described in subsection 1 of this section, installed on a street or highway which is a part of a city not within a county's traffic light system shall meet requirements established by the state of Missouri. Any automated traffic control system installed on a street located in a city not within a county shall meet standards established by the city not within a county and shall be consistent with any standards set by the Missouri department of transportation.

3. A city not within a county may adopt ordinances for the civil enforcement of this section by means of an automated traffic control system as described in subsection 1 of this section. In the event that a city not within a county adopts an ordinance under this section, a violation of a red signal at a location where an automated traffic control system is in operation shall not be an infraction. An ordinance authorized by this subsection shall provide that:

(1) The owner of the vehicle shall be given notice of the violation within thirty days of the date of the violation. The notice shall include copies of any photographs, micrographs, videotape or other recorded images produced by the automated traffic control system;

(2) The owner of the vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within thirty days after notification of the violation, furnishes the officials or agents of the city not within a county that issued the citation either of the following:

(a) An affidavit stating that the vehicle involved was, at the time, in the care, custody, or control of another person. Evidence may include, but is not limited to, the name and address of the person or company who had the care, custody, and control of the vehicle;

(b) An affidavit stating the vehicle involved was, at the time, stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information;

(3) In such an instance the owner, subject to the penalties for perjury, shall submit conclusive evidence in an affidavit authorized in subdivision (2) of this subsection setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation, the nonjudicial administrative hearing may terminate the prosecution of the citation issued to the owner, and issue a citation to the person clearly identified in the affidavit as the operator of the motor vehicle at the time of the violation;

(4) The registered owner of the vehicle shall not be responsible for the violation, if notice of the violation is given to the registered owner of the vehicle more than thirty days after the violation.

4. If a violation detected by an automatic traffic control system involves a vehicle that is registered in the name of a rental, leasing, or fleet company and the vehicle is rented, leased, or the use of such vehicle is otherwise granted to another person at the time the violation occurred, the rental, leasing, or fleet company may rebut the presumption by providing the city not within a county with a copy of the rental, lease, or other agreement in effect at the time the violation occurred. The company shall not be liable for the violation, unless prior notice of the violation has been given to that company under subsection 3 of this section and the company fails to provide a copy of the rental, lease, or employment agreement within thirty days of receipt of such notice.

5. Any automated traffic control system on a street or highway must be identified by appropriate advance warning signs conspicuously posted not more than three hundred feet from the location of the automated traffic control system location. All advance warning signs shall be approved by the department of transportation in conjunction with the city not within a county authorized to install automated traffic control systems.

6. A violation detected by an automated traffic control system shall be deemed a noncriminal violation for which a civil penalty of fifty dollars shall be assessed, and for which no points authorized by section 302.302, RSMo, shall be assigned to the owner or driver of the vehicle. A person who possesses a commercial drivers license or operates a commercial motor vehicle at the time of the violation, however, shall have such conviction posted or affixed on his or her driver's record in order to ensure compliance with Title 49, Code of Federal Regulations, Part 384, as amended.

7. The owner of the vehicle shall be issued a citation which shall clearly state the manner in which the violation may be challenged and the owner shall comply with the directions on the citation. The citation must also include instructions on how to dispose of the violation through appearance before the nonjudicial administrative hearing or payment of the fine and costs. The citation shall be processed by officials or agents of the city not within a county and shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration. If the owner fails to pay the civil penalty or to respond to the citation within the time period specified on the citation, the owner shall have waived the right to contest responsibility for the violation, and shall be subject to a civil penalty not to exceed one hundred dollars. The city not within a county may establish procedures for the collection of these penalties and may enforce the penalties by civil action in the nature of the debt.

8. The citation instructions shall inform the owner of the vehicle that, when responding to the citation, the owner shall provide any driver's license number, commercial or noncommercial, issued in the owner's name. If, upon receipt, the record reveals that the owner of the vehicle possesses a commercial driver's license, the city not within a county shall, upon conviction, notify the department of revenue of the conviction. The department of revenue shall record such conviction as prescribed by law.

9. The city not within a county shall institute a nonjudicial administrative hearing process to review objections to citations or penalties issued or assessed under this section.

10. The city not within a county that establishes an automated traffic control system may also enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of automated traffic control systems. Any compensation paid to a private vendor shall not be based upon a contingency basis nor shall such compensation be based upon revenues generated from the use of such system. The city not within a county may enter into an agreement with the department of revenue for the purpose of obtaining relevant records regarding vehicle owners in order for the city not within a county to prepare and mail summonses.

11. Photographs, micrographs, videotape, or other recorded images produced by an automated traffic control system that are provided to governmental and law enforcement agencies for the purposes of this section shall be confidential.

12. One year following the adoption of an ordinance by a city not within a county described in subsection 3 of this section, the department of public safety shall issue a report as to the effectiveness of the use of automated traffic control systems. The report shall include, but not be limited to, recommendations of whether such a system shall be instituted on a statewide basis. The report shall be delivered to the individual members of the general assembly."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 518, 288, 418 & 635, Page 74, Section 577.041, Line 13, by inserting after said line all of the following:

"Section 1. In order for a person twenty-five years of age or older to ride without protective headgear under section 302.020, RSMo, such person shall obtain an insurance policy providing at least fifty thousand dollars in medical benefits for injuries incurred as a result of a crash while operating or riding a motorcycle or motortricycle and a liability insurance policy providing liability coverage on account of accidents arising out of the ownership, maintenance or use of a motorcycle or motortricycle in the amount of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than two hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifty thousand dollars because of injury to or destruction of property of others in any one accident. The director of the department of revenue shall issue such person submitting proof of insurance meeting the requirements of this subsection a driver's license, if otherwise qualified under this chapter, with a sticker or other insignia indicating proof of insurance. In addition, the person shall be issued a set of stickers to be placed upon the person's registration plates. A person failing to display such stickers shall not be exempt from the penalties authorized by subsection 3 of this section. The cost of such stickers shall be paid by the person to whom the stickers are issued."; and

Further amend the title and enacting clauses accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 518, 288, 418 & 635, Page 2, Section A, Line 6, by inserting after said line the following:

"227.374. The portion of highway 71 in Newton County from Iris Road to highway 86 shall be designated the "James W. Minton, Jr. Memorial Highway". The department of transportation shall erect and maintain appropriate signs commemorating this portion of highway. Costs for such designation shall be paid for by the family of James W. Minton, Jr."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to recede from its position on **SCS HB 678, as amended**, and grants the House a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like Committee from the House on **SCS HB 678, as amended**: Senators Bartle, Scott, Purgason, Callahan and Bray.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 20**.

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, Section 21.760 of the Missouri Revised Statutes provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the aforesaid provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 182** and has taken up and passed **HCS SCS SB 182**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 38** and has taken up and passed **HCS SB 38**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 174** and has taken up and passed **HCS SB 174**.

Emergency clause adopted.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SBs 221, 250 & 256, as amended**, and requests that the House recede from its position and failing to do so, grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 233, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SB 307** and has taken up and passed **HCS SB 307**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HA1 and HA3 to SCS SB 390**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

BILL IN CONFERENCE

SS SCS HCS HB 58, as amended, relating to political subdivisions, was taken up by Representative Johnson (47).

Representative Johnson (47) moved that the House conferees on **SS SCS HCS HB 58, as amended**, be allowed to exceed the differences on Section 250.140, Paragraph 2, to exceed the 90 days of service liability and the watershed provision.

Which motion was adopted.

BILLS CARRYING REQUEST MESSAGES

HCS SCS SB 233, as amended, relating to designation of highways and bridges, was taken up by Representative Nance.

Representative Nance moved that the House refuse to recede from its position on **HCS SCS SB 233, as amended**, and grant the Senate a conference.

Which motion was adopted.

HCS SB 177, relating to professional registration, was taken up by Representative Behnen.

Representative Behnen moved that the House refuse to recede from its position on **HCS SB 177** and grant the Senate a conference.

Which motion was adopted.

MOTION

Representative Dempsey moved to suspend Rule 23 for the purpose of allowing the House Conferees on **SS SCS HCS HB 58, as amended**, to meet while the House is in session.

Which motion was adopted by the following vote:

AYES: 113

Avery	Baker 25	Baker 123	Bearden	Behnen
Bivins	Black	Bowman	Bringer	Brown 30
Bruns	Byrd	Chinn	Cooper 120	Cooper 158
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Goodman
Guest	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Lager	Lembke	Lipke	Loehner	Lowe 44
Marsh	May	McGhee	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Robinson	Ruestman
Salva	Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Self	Silvey	Smith 14
Smith 118	Stefanick	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Vogt	Wagner
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 137	Wright 159	Wright-Jones
Yates	Young	Mr Speaker		

NOES: 045

Aull	Bland	Brooks	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Donnelly	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Johnson 61	Johnson 90
Kuessner	Lampe	LeVota	Liese	Low 39
Meadows	Oxford	Page	Roorda	Rucker
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Villa	Walsh	Walton
Whorton	Wildberger	Witte	Yaeger	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 004

Bean	Boykins	Cooper 155	Rupp
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VACANCIES: 001

Speaker Jetton resumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SCS HB 678: Representatives Byrd, Goodman, Flook, Burnett and Johnson (90)

HCS SB 177: Representatives Behnen, Wasson, Tilley, Page and Dougherty

HCS SCS SB 233: Representatives St. Onge, Nance, Rector, Swinger and Aull

Speaker Pro Tem Bearden resumed the Chair.

THIRD READING OF SENATE BILL

HCS SS SCS SB 287, relating to education funding, was again taken up by Representative Baker (123).

Representative Baker (123) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 86, Section B, Line 14, by deleting the words “section A” and inserting in lieu thereof the following:

“the sections listed in subsection 1 of this section”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Baker (123), **House Amendment No. 1** was adopted.

Representative Lager offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 38, Section 163.044, Lines 1 to 5, by deleting said lines and inserting in lieu thereof the following:

"163.044. 1. Beginning with the 2007 fiscal year and each subsequent fiscal year, the general assembly shall appropriate fifteen million dollars to be directed to school districts with an average daily attendance of three hundred fifty students or less in the school year preceding the payment year and with an operating levy for school purposes in the current year equal to or greater than the performance levy. A tax-rate-weighted average daily attendance shall be calculated for each eligible district in proportion to its operating levy for school purposes for the current year divided by the performance levy with that result multiplied by the district's average daily attendance in the school year preceding the payment year. The total appropriation pursuant to this section shall then be divided by the sum of the tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per tax-rate-weighted average daily attendance shall be multiplied by each eligible district's tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible district."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Swinger offered **House Substitute Amendment No. 1 for House Amendment No. 2**.

House Substitute Amendment No. 1 for House Amendment No. 2 was withdrawn.

Representative Swinger offered **House Substitute Amendment No. 2 for House Amendment No. 2**.

*House Substitute Amendment No. 2
for
House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 38, Section 163.044, Lines 1-13, by striking all of said lines and inserting in lieu thereof the following:

“163.044. 1. To the entitlement established pursuant to subsection 1 of section 163.031, there shall be added, for K-12 districts, the greater of: 1) zero or 2) the K-12 small district fixed cost amount minus four hundred dollars times the district’s average daily attendance, and for K-8 districts, the greater of: 1) zero or 2) the K-8 small district fixed cost amount minus three hundred dollars times the district’s average daily attendance.

2. As used in this section, the term “K-12” small district fixed cost amount” shall mean two hundred forty thousand dollars for the 2006-07 school year and shall be adjusted each succeeding school year by the greater of zero or the percent change in the Consumer Price Index for the preceding year. As used in this section, the term “K-8 small district fixed cost amount” shall mean one hundred eighty thousand dollars for the 2006-07 school year and shall be adjusted each succeeding school year by the greater of zero or the percent change in the Consumer Price Index for preceding year.”.

Representative Pratt raised a point of order that **House Substitute Amendment No. 2 for House Amendment No. 2** is not a true substitute amendment.

The Chair ruled the point of order not well taken.

Representative Swinger moved that **House Substitute Amendment No. 2 for House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
Dougherty	El-Amin	Fraser	George	Harris 23
Harris 110	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

NOES: 098

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Byrd
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145

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Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Ice	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Loehner	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Whorton	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 003

Boykins	Haywood	Marsh
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VACANCIES: 001

On motion of Representative Lager, **House Amendment No. 2** was adopted by the following vote:

AYES: 096

Avery	Baker 25	Baker 123	Bean	Bearden
Behnen	Bivins	Black	Brown 30	Bruns
Byrd	Chinn	Cooper 120	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dougherty	Dusenberg
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Harris 23	Henke
Hobbs	Hunter	Ice	Jackson	Johnson 47
Jones	Kelly	Kingery	Kraus	Lager
Lipke	Loehner	May	McGhee	Meadows
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Rucker
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Self	Shoemyer	Silvey	Smith 14
Smith 118	Stefanick	Stevenson	St. Onge	Sutherland
Swinger	Threlkeld	Tilley	Wasson	Whorton
Wildberger	Wilson 119	Wood	Wright 159	Yates
Mr Speaker				

NOES: 062

Aull	Bland	Bowman	Bringer	Brooks
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	El-Amin

Emery	Fraser	George	Harris 110	Haywood
Hoskins	Hubbard	Hughes	Johnson 61	Johnson 90
Jolly	Kratky	Kuessner	Lampe	Lembke
LeVota	Liese	Low 39	Lowe 44	Meiners
Oxford	Page	Robinson	Roorda	Salva
Sater	Schad	Schoemehl	Selby	Skaggs
Spreng	Storch	Viebrock	Villa	Vogt
Wagner	Wallace	Walsh	Walton	Wells
Weter	Wilson 130	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 004

Boykins	Cooper 155	Marsh	Wright 137
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VACANCIES: 001

Representative Behnen offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 31, Section 163.031, Line 203, by inserting after all of said line the following:

“(1) For districts with an average daily attendance of more than three hundred fifty in the school year preceding the payment year:”; and

Further amend said bill, Section 163.031, Page 31, Lines 204, 212, 220, and 227, by redesignating subdivisions **(1), (2), (3), and (4)** as paragraphs **(a), (b), (c), and (d)**; and

Further amend said bill, Section 163.031, Page 31, Line 228, by deleting **“subdivision (3) of this subsection”** and inserting in lieu thereof the following: **“paragraph (c) of this subdivision”**; and

Further amend said bill, Section 163.031, Line 230, by inserting after all of said line the following:

“(2) For districts with an average daily attendance of three hundred fifty or less in the school year preceding the payment year:

(a) For the 2006-07 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier minus one.

(b) For the 2007-08 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier minus one.

(c) For the 2008-09 school year, the state revenue received by a district from the state aid calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund under section 163.043 shall not be less than the greater of state revenue received by a district in the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the dollar value modifier.

(d) **For each year subsequent to the 2008-09 school year, the amount shall be no less than that computed in paragraph (c) of this subdivision.”; and**

Further amend said bill, Section 163.031, Page 31, Line 231, by redesignating (5) as (3); and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Behnen, **House Amendment No. 3** was adopted.

Representative Pearce offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 15, Section 163.011, Line 93, by deleting the word “**fifteen**” and inserting in lieu thereof the following: “**ten**”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Byrd offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1 of said amendment, Line 3, by striking “**ten**” and inserting in lieu thereof “**fifteen**”; and

Further amend said bill, Section 163.011, Page 16, Line 106, by inserting after the word “**year**” the following:

“and recalculated upon every decennial census to incorporate counties that are newly added to the description of metropolitan areas”; and

Further amend said bill, Section 163.011, Page 16, Line 112, by inserting after the word “**established**” the following:

“and recalculated upon every decennial census to incorporate counties that are newly added to the description of micropolitan areas”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Jetton resumed the Chair.

Representative Aull offered **House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 4.**

Representative Byrd raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1 to House Amendment No. 4** is not allowed under House rules.

The Chair ruled the point of order well taken.

Speaker Pro Tem Bearden resumed the Chair.

On motion of Representative Byrd, **House Amendment No. 1 to House Amendment No. 4** was adopted by the following vote:

AYES: 119

Avery	Baker 123	Bearden	Bivins	Black
Bland	Bowman	Brown 30	Brown 50	Bruns
Byrd	Casey	Chappelle-Nadal	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis	Day	Deeken
Dempsey	Denison	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Emery	Ervin	Faith
Fares	Fisher	Flook	Fraser	George
Goodman	Harris 110	Henke	Hoskins	Hubbard
Iceet	Jackson	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly	Kratky	Kraus
Lembke	LeVota	Liese	Lipke	Low 39
Lowe 44	Meadows	Meiners	Moore	Muschany
Nance	Nieves	Nolte	Oxford	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Sater	Schaaf	Schlottach	Schneider
Schoemehl	Selby	Silvey	Skaggs	Smith 14
Smith 118	Spreng	Stefanick	Stevenson	St. Onge
Storch	Sutherland	Threlkeld	Tilley	Villa
Wagner	Walsh	Walton	Weter	Wildberger
Wilson 130	Wright 137	Wright 159	Wright-Jones	Yaeger
Yates	Young	Zweifel	Mr Speaker	

NOES: 039

Aull	Baker 25	Bean	Behnen	Bringer
Burnett	Chinn	Dethrow	Franz	Guest
Harris 23	Haywood	Hobbs	Hughes	Hunter
Kingery	Kuessner	Lager	Lampe	Loehner
May	McGhee	Munzlinger	Myers	Quinn
Salva	Sander	Schad	Self	Shoemyer
Swinger	Viebrock	Wallace	Wasson	Wells
Whorton	Wilson 119	Witte	Wood	

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 003

Boykins	Marsh	Vogt
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VACANCIES: 001

Representative Bringer offered **House Amendment No. 2 to House Amendment No. 4.**

House Amendment No. 2
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 163.011, Line 3, by inserting after said line the following:

Further amend said bill, Page 16, Section 163.011, Line 116, by inserting after said line the following:

“d. If a school districts boundaries include all or part of more than one county, than the county wage per job to be used shall be from the county with the highest wage per job”.

Representative Bringer moved that **House Amendment No. 2 to House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 076

Aull	Baker 25	Bean	Behnen	Black
Bland	Bowman	Bringer	Brooks	Brown 50
Burnett	Casey	Chinn	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Dougherty
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hobbs	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kelly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Munzlinger
Oxford	Page	Pollock	Robinson	Roorda
Rucker	Salva	Sander	Schaaf	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Sutherland	Swinger	Threlkeld	Villa	Wagner
Wallace	Walsh	Walton	Wells	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

NOES: 082

Avery	Baker 123	Bearden	Bivins	Brown 30
Bruns	Byrd	Cooper 120	Cooper 155	Cooper 158
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Goodman	Guest	Hunter
Ice	Jackson	Johnson 47	Jones	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
May	McGhee	Moore	Muschany	Myers
Nance	Nieves	Nolte	Parker	Parson
Pearce	Phillips	Portwood	Pratt	Quinn
Rector	Richard	Robb	Ruestman	Rupp
Sater	Schad	Schlottach	Schneider	Self
Silvey	Smith 14	Smith 118	Stefanick	Stevenson
St. Onge	Tilley	Viebrock	Wasson	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 004

Boykins Marsh Roark Vogt

VACANCIES: 001

Representative Aull offered **House Substitute Amendment No. 1 for House Amendment No. 4.**

Representative Goodman raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 4** amends previously amended material.

Representative Byrd raised an additional point of order that **House Substitute Amendment No. 1 for House Amendment No. 4** is dilatory.

The Chair ruled the first point of order well taken.

On motion of Representative Pearce, **House Amendment No. 4, as amended**, was adopted.

Representative Wilson (119) offered **House Amendment No. 5.**

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 1, Pages 76 and 77, Lines 6 to 15, by deleting all of said lines; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Sutherland offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1 of said amendment, Line 2, by deleting "Lines 6 to 15, by deleting all of said lines" and inserting the following:

"Lines 6 to 8, by deleting all of said lines and inserting in lieu thereof the following:

2. The committee shall report to the state tax commission any concerns it finds regarding the state's assessment practices as outlined under chapter 137, RSMo. The state tax commission shall ensure that all counties are accurately assessed, as provided by statute.; and

Further amend said bill, Pages 76 and 77, Lines 9 to 15, by deleting all of said lines."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sutherland, **House Amendment No. 1 to House Amendment No. 5** was adopted by the following vote:

AYES: 092

Baker 123	Bean	Bearden	Behnen	Black
Brown 30	Bruns	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Dusenberg	Emery	Ervin	Faith
Fisher	Flook	Franz	Goodman	Guest
Henke	Hobbs	Hunter	Jackson	Johnson 47
Jones	Kelly	Kingery	Kraus	Lager
Lipke	Loehner	Marsh	May	McGhee
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Pratt	Quinn	Rector
Richard	Robb	Ruestman	Rupp	Salva
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Self	Shoemyer	Silvey	Smith 14
Smith 118	Stevenson	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 065

Aull	Avery	Baker 25	Bivins	Bland
Bowman	Bringer	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fares	Fraser
George	Harris 23	Harris 110	Haywood	Hoskins
Hubbard	Hughes	Ice	Johnson 61	Johnson 90
Jolly	Kuessner	Lampe	Lembke	LeVota
Liese	Low 39	Lowe 44	Meadows	Meiners
Oxford	Page	Portwood	Roark	Robinson
Roorda	Rucker	Schoemehl	Selby	Skaggs
Spreng	Stefanick	Storch	Swinger	Villa
Wagner	Walsh	Walton	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Young	Zweifel

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 004

Boykins	Kratky	Vogt	Wasson
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VACANCIES: 001

Representative Avery offered **House Substitute Amendment No. 1 for House Amendment No. 5**.

Representative Goodman raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 5** amends previously amended material.

Representative Stevenson raised an additional point of order that **House Substitute Amendment No. 1 for House Amendment No. 5** is dilatory under Rule 70.

The Chair ruled the first point of order not well taken.

The Chair ruled the second point of order well taken.

On motion of Representative Wilson (119), **House Amendment No. 5, as amended**, was adopted.

Representative Johnson (47) offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 20, Section 163.011, Lines 248 and 249, by deleting all of said lines and inserting in lieu thereof the following:

“(14) ‘Performance levy’, the average daily attendance-weighted mean operating levy for school purposes for the 2004-05”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Jetton resumed the Chair.

Speaker Pro Tem Bearden resumed the Chair.

Representative Byrd offered **House Amendment No. 1 to House Amendment No. 6**.

House Amendment No. 1

to

House Amendment No. 6

AMEND House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Lines 4 and 5, by deleting the words **“the average daily attendance-weighted mean operating levy for school purposes for the 2004-05”** and inserting in lieu thereof the following:

“three dollars and fifty cents;”; and

Further amend said amendment, by inserting after all of Line 5 the following:

“Further amend said bill, Page 20, Section 163.011, Lines 250 to 252, by deleting all of said lines”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Byrd, **House Amendment No. 1 to House Amendment No. 6** was adopted by the following vote:

AYES: 087

Baker 123	Bean	Bearden	Behnen	Black
Brown 30	Bruns	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Emery	Ervin	Faith	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Jackson	Johnson 47	Jones	Kingery	Kraus
Lager	Lembke	Lipke	Loehner	May
McGhee	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Parker	Parson
Pearce	Phillips	Portwood	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Self	Silvey	Smith 14	Smith 118
Stefanick	Stevenson	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Mr Speaker			

NOES: 069

Aull	Avery	Baker 25	Bland	Bowman
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Cunningham 86	Curls	Darrough
Daus	Donnelly	Dougherty	Dusenberg	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kelly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Pollock
Robinson	Roorda	Rucker	Salva	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Swinger	Villa	Vogt	Wagner	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Yates	Young	Zweifel	

PRESENT: 002

Bivins	Fares
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ABSENT WITH LEAVE: 004

Boykins	Icet	Marsh	Pratt
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VACANCIES: 001

Representative Schoemehl offered **House Amendment No. 2 to House Amendment No. 6**.

Representative Flook raised a point of order that **House Amendment No. 2 to House Amendment No. 6** is dilatory and amends previously amended material.

The Chair ruled the point of order well taken.

On motion of Representative Johnson (47), **House Amendment No. 6, as amended**, was adopted.

Representative Dixon offered **House Amendment No. 7.**

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 12, Section 162.081, Line 96, by inserting after all of said line the following:

"162.675. As used in sections 162.670 to 162.995, unless the context clearly indicates otherwise, the following terms mean:

(1) "Gifted children", children who exhibit precocious development of mental capacity and learning potential as determined by competent professional evaluation to the extent that continued educational growth and stimulation could best be served by an academic environment beyond that offered through a standard grade level curriculum;

(2) "Handicapped children", children under the age of twenty-one years who have not completed an approved high school program and who, because of mental, physical, emotional or learning problems, require special educational services;

(3) "Severely handicapped children", handicapped children under the age of twenty-one years who[, because of the extent of the handicapping condition or conditions, as determined by competent professional evaluation, are unable to benefit from or meaningfully participate in programs in the public schools for handicapped children. The term "severely handicapped" is not confined to a separate and specific category but pertains to the degree of disability which permeates a variety of handicapping conditions and education programs] **meet the eligibility criteria for state schools for severely handicapped children, identified in state regulations that implement the Individuals with Disabilities Education Act;**

(4) "Special educational services", programs designed to meet the needs of handicapped or severely handicapped children and which include, but are not limited to, the provision of diagnostic and evaluation services, student and parent counseling, itinerant, homebound and referral assistance, organized instructional and therapeutic programs, transportation, and corrective and supporting services.

162.740. The district of residence of each child attending a state school for severely handicapped children[, an institution providing contractual services arranged pursuant to section 162.735,] or an educational program for a full-time patient or resident at a facility operated by the department of mental health, except school districts which are a part of a special district and except special school districts, shall pay toward the cost of the education of the child an amount equal to the average sum produced per child by the local tax effort of the district. The district of residence shall be notified each year, not later than December fifteenth, of the names and addresses of pupils enrolled in such schools. In the case of a special district, said special district shall be responsible for an amount per child not to exceed the average sum produced per child by the local tax efforts of the component districts. The district of residence of the child's parents or guardians shall be the district responsible for local tax contributions required by this section."; and

Further amend said bill, Page 13, Section 162.935, Line 35, by inserting after all of said line the following:

"162.974. 1. The state department of elementary and secondary education shall reimburse school districts, including special school districts, for the educational costs of high-need children with an individualized education program exceeding three times the current expenditure per average daily attendance as calculated on the district annual secretary of the board report for the year in which expenditures are claimed.

2. A school district shall submit, through timely application, as determined by the state department of elementary and secondary education, the cost of serving any student, as provided in subsection 1 of this section."; and

Further amend said bill, Page 80, Section 160.550, Line 39, by inserting after all of said line the following:

"[162.725. 1. The state board of education shall provide special educational services for all severely handicapped children residing in school districts which are not included in special districts provided that such school districts are unable to provide appropriate programs of special instruction for severely handicapped children; however, this shall not prevent any school district from conducting a program for the special instruction of severely handicapped children, except that such program must provide substantially the same special educational services as would be provided in a school operated by the state board of education and such program must be approved by the state department of elementary and secondary education in accordance with regulations established pursuant to section 162.685.

2. Special educational programs shall be established which are designed to develop the individual pupil in order that he may achieve the best possible adjustment in society under the limitation of his handicap.

3. When special districts have been formed to serve handicapped and severely handicapped children under the provisions of sections 162.670 to 162.995, severely handicapped children residing in school districts comprising the special district shall be educated in programs of the special district.]

[162.735. The state department of elementary and secondary education may assign severely handicapped children, except severely handicapped children residing in special school districts and in districts providing approved special educational services for severely handicapped children, to state schools for severely handicapped children, the school for the blind or the school for the deaf. Furthermore, the state board of education may contract for the education of a severely handicapped child with another public agency or with a private agency when the state department of elementary and secondary education determines that such an arrangement would be in the best interests of the severely handicapped child. Assignment of severely handicapped children under this section shall be made to a particular school or program which, in the judgment of the state department of elementary and secondary education, can best provide special educational services, and such assignment shall be made upon the basis of competent evaluations; provided, however, the assignment may be appealed by a parent or guardian pursuant to sections 162.945 to 162.965. Children who are not residents of this state may be admitted to these schools if the schools have the capacity to receive them and upon payment of full tuition and costs as prescribed by the state board of education.]; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Lampe offered **House Amendment No. 1 to House Amendment No. 7.**

House Amendment No. 1

to

House Amendment No. 7

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 4, Section 162.974, Line 5, by inserting after all of said line the following:

"Section 2. 1. The board of education of each district shall pay the tuition of each pupil resident therein who attends a program for exceptionally gifted students in another district of the same county or adjacent county if a student meets the established qualifications and is accepted for placement into a program for exceptionally gifted students and if the parent or guardian of the pupil determines that the pupil's needs can be better met by the program for exceptionally gifted students in the receiving district than in the district of residence.

2. The rate of tuition to be charged by the district attended and paid by the sending district shall be the amount set by the advisory board of the program for exceptionally gifted students and may not exceed the current expenditure per average daily attendance of the district in which the program for exceptionally gifted students is located."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Lampe moved that **House Amendment No. 1 to House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Byrd	Chappelle-Nadal
Corcoran	Cunningham 86	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fisher	Fraser
George	Harris 23	Harris 110	Haywood	Hoskins
Hubbard	Hughes	Johnson 47	Johnson 61	Jolly
Kraus	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meiners	Moore	Muschany
Nolte	Oxford	Page	Parker	Pratt
Rector	Robb	Robinson	Roorda	Rucker
Rupp	Salva	Sater	Schoemehl	Shoemyer
Silvey	Skaggs	Spreng	Storch	Swinger
Villa	Walsh	Walton	Whorton	Wildberger
Witte	Wright-Jones	Yaeger	Yates	Young
Zweifel				

NOES: 084

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Black	Brown 30	Bruns	Casey
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Flook	Franz	Goodman	Guest
Henke	Hobbs	Hunter	Ice	Jackson
Johnson 90	Jones	Kelly	Kingery	Lager
Lembke	Lipke	Loehner	May	McGhee
Meadows	Munzlinger	Nance	Nieves	Parson
Pearce	Phillips	Pollock	Portwood	Quinn
Richard	Roark	Ruestman	Sander	Schaaf
Schad	Schlottach	Selby	Self	Smith 14
Smith 118	Stefanick	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wagner	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 137	Wright 159	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 007

Boykins	Fares	Kratky	Marsh	Myers
Schneider	Vogt			

VACANCIES: 001

On motion of Representative Dixon, **House Amendment No. 7** was adopted.

Representative Moore offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 77, Section 1, Line 15, by inserting after all of said line the following:

“Section 2. In any school year after the 2009-2010 school year, if there is a twenty-five percent decrease in the statewide percentage of average daily attendance attributable to summer school compared to the percentage of average daily attendance attributable to summer school in the 2005-2006 school year, then for the subsequent school year, weighted average daily attendance, as such term is defined in section 163.011, RSMo, shall include the addition of the product of twenty-five hundredths times the average daily attendance for summer school.”; and

Further amend said bill, Page 86, Section B, Line 2, by deleting “and 1” and inserting in lieu thereof the following: “1, and 2”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Corcoran offered **House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Substitute Amendment No. 1
for
House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 13, Section 163.011, Line 23, by inserting immediately after the words “added the”, the following:

“product of the”; and

Further amend said bill, Page 13, Section 163.011, Line 24, by inserting immediately after the word “students”, the following:

“multiplied by one and fifty hundredths”; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Bringer offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 8.**

*House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 8*

AMEND House Substitute Amendment No. 1 for House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 163.011, Line 7, by deleting the words “one and 50 hundredths” and inserting in lieu thereof the words “two”.

Representative Bringer moved that **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 064

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
Dougherty	Dusenberg	El-Amin	Fraser	George
Harris 23	Harris 110	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Pratt	Robinson	Roorda	Rucker
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Villa	Wagner	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Yates	Young	Zweifel	

NOES: 092

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Goodman
Guest	Hobbs	Hunter	Ice	Jackson
Johnson 47	Jones	Kelly	Kingery	Lager
Lembke	Lipke	Loehner	Marsh	May
McGhee	Moore	Munzlinger	Muschany	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pollock	Portwood	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Self	Silvey	Smith 14	Smith 118
Stefanick	Stevenson	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Mr Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 006

Bean	Boykins	Haywood	Myers	Salva
Vogt				

VACANCIES: 001

Representative Corcoran moved that **House Substitute Amendment No. 1 for House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Aull	Avery	Baker 25	Bland	Bowman
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	Dusenberg	El-Amin	Fraser
George	Harris 23	Harris 110	Henke	Hoskins
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	McGhee	Meadows	Meiners
Munzlinger	Oxford	Page	Parker	Pratt
Robinson	Roorda	Rucker	Rupp	Schoemehl
Selby	Shoemyer	Silvey	Skaggs	Spreng
Storch	Swinger	Villa	Wagner	Walsh
Walton	Whorton	Wildberger	Wilson 130	Witte
Wright-Jones	Yaeger	Yates	Young	Zweifel

NOES: 085

Baker 123	Bearden	Behnen	Bivins	Black
Brown 30	Bruns	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Goodman	Guest
Hobbs	Hubbard	Hunter	Ice	Jackson
Johnson 47	Jones	Kelly	Kingery	Lager
Lembke	Lipke	Loehner	Marsh	May
Moore	Muschany	Nance	Nieves	Nolte
Parson	Pearce	Phillips	Pollock	Portwood
Quinn	Rector	Richard	Roark	Robb
Ruestman	Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Self	Smith 14	Smith 118
Stefanick	Stevenson	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wood	Wright 137	Mr Speaker

PRESENT: 000

ABSENT WITH LEAVE: 007

Bean	Boykins	Haywood	Myers	Salva
Vogt	Wright 159			

VACANCIES: 001

Representative Schneider offered **House Amendment No. 1 to House Amendment No. 8.**

Representative Bringer raised a point of order that **House Amendment No. 1 to House Amendment No. 8** is not a true amendment to the amendment.

The Chair ruled the point of order well taken.

On motion of Representative Moore, **House Amendment No. 8** was adopted.

Representative Sanders Brooks offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Section 160.415, Pages 4 to 6, Lines 1 to 77, by deleting all of said lines and inserting in lieu thereof the following:

- “160.400. 1. A charter school is an independent[, publicly supported] **public** school.
2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:
- (1) The school board of the district;
 - (2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; [or]
 - (3) A community college located in the district; **or**
 - (4) **Any private four-year college or university in Missouri with its primary campus located in the standard metropolitan statistical area of a district in which charter schools are permitted, an enrollment of at least one thousand students, and with an approved teacher preparation program.**
3. [A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.] **The mayor of a city not within a county may request a sponsor under subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school, which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability to target prospective students whose parent or parents are employed in a business district, as defined in the charter, which is located in the city.**
4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.
5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.
6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.
7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.
8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.
9. **The expenses associated with sponsorship of charter schools shall be defrayed by the department of elementary and secondary education retaining one and five-tenths percent of the amount of state and local funding allocated to the charter school under section 160.415, not to exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not be withheld when the sponsor is a school district or the state board of education. The department of elementary and secondary education shall remit the retained funds for each charter school to the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter school it sponsors.**

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349, RSMo, without ensuring that a criminal background check and child abuse registry check are conducted for all members of the governing board of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the governing board of the charter school.

12. No member of the governing board of a charter school shall hold any office or employment from the board or the charter school while serving as a member, nor shall the member have any substantial interest, as defined in section 105.450, RSMo, in any entity employed by or contracting with the board. No board member shall be an employee of a company that provides substantial services to the charter school. All members of the governing board of the charter school shall be considered decision-making public servants as defined in section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420 and 167.349, RSMo.

14. The state board of education shall ensure each sponsor is in compliance with all requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school sponsored by any sponsor. The state board shall notify each sponsor of the standards for sponsorship of charter schools, delineating both what is mandated by statute and what best practices dictate. The state board, after a public hearing, may require remedial action for a sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions including withholding the sponsor's funding and suspending for a period of up to one year the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school. If the state board removes the authority to sponsor a currently operating charter school, the state board shall become the interim sponsor of the school for a period of up to three years until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located[, when] **and to the state board of education, within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; [and]

- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; **and**

- (6) **A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.**

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of **approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial**;

(3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section, **that the applicant is sufficiently qualified to operate the charter school**, and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter, provided that any charter to be considered by the state board of education under this subdivision shall be submitted no later than March first prior to the school year in which the charter school intends to begin operations. The state board of education shall notify the applicant in writing as the reasons for its denial, if applicable; and**

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, [it] **the charter application** shall be submitted to the state board of education [which], **along with a statement of finding that the application meets the requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan under which the charter sponsor will evaluate the academic performance of students enrolled in the charter school. The state board of education may, within [forty-five] sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter [only] on grounds that the application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a charter sponsor.**

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state, **county, or city** relating to health, safety, and **state** minimum educational standards, **as specified by the state board of education, including the requirements relating to student discipline under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518, transmittal of school records under section 167.020, RSMo, and the minimum number of school days and hours required under section 160.041;**

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual financial report may be published on the department of elementary and secondary education's Internet web site in addition to other publishing requirements**, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. **A charter school that receives local educational agency status under subsection 6 of this section shall meet the requirements imposed by the Elementary and Secondary Education Act for audits of such agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school shall be treated as a political subdivision on the same terms and conditions as the school district in which it is located.** For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) (a) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program.

(b) **For proposed high risk or alternative charter schools, sponsors shall approve performance measures based on mission, curriculum, teaching methods, and services. Sponsors shall also approve comprehensive academic and behavioral measures to determine whether students are meeting performance standards on a different time frame as specified in that school's charter. Student performance shall be assessed comprehensively to determine whether a high risk or alternative charter school has documented adequate student progress. Student performance shall be based on sponsor-approved comprehensive measures as well as standardized public school measures. Annual presentation of charter school report card data to the department of elementary and secondary education, the state board, and the public shall include comprehensive measures of student progress.**

(c) Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) **Provide along with any request for review by the state board of education the following:**

(a) **Documentation that the applicant has provided a copy of the application to the school board of the district in which the charter school is to be located, except in those circumstances where the school district is the sponsor of the charter school; and**

(b) **A statement outlining the reasons for approval or disapproval by the sponsor, specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.**

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years **or at any point where the operation or management of the charter school is changed or transferred to another entity, either public or private. The governing board of a charter school may amend the charter, if the sponsor approves such amendment, or the sponsor and the governing board may reach an agreement in writing to reflect the charter school's decision to become a local educational agency for the sole purpose of seeking direct access to federal grants. In such case the sponsor shall give the department of elementary and secondary education written notice no later than March first of any year, with the agreement to become effective July first. The department may waive the March first notice date in its discretion. The department shall identify and furnish a list of its regulations that pertain to local educational agencies to such schools within thirty days of receiving such notice.**

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice requesting such information, or violation of law.**

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, **which may require a change of methodology, a change in leadership, or both**, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the [board of directors] **governing board** of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's [board of directors] **governing board** may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

(6) A charter sponsor shall make available the school accountability report card information as provided under section 160.522 and the results of the academic monitoring required under subsection 3 of this section.

8. A sponsor shall take all reasonable steps necessary to confirm that each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420 and 167.349 RSMo. Every charter school shall provide all information necessary to confirm ongoing compliance with all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely manner to its sponsor.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] 10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The governing board of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided under sections 537.700 to 537.756, RSMo.

12. Any entity, either public or private, operating, administering, or otherwise managing a charter school shall be considered a quasi-public governmental body and subject to the provisions of sections 610.010 to 610.035, RSMo.

13. The chief financial officer of a charter school shall maintain a surety bond in an amount determined by the sponsor to be adequate based on the cash flow of the school.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates, [or]

(2) **Nonresident pupils** eligible to attend a district's school under an urban voluntary transfer program, **and**

(3) **In the case of a workplace charter school, any student eligible to attend under subdivisions (1) or (2) of this subsection whose parent is employed in the business district,**

who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. **The configuration of a business district shall be set forth in the charter and shall not be construed to create an undue advantage for a single employer or small number of employers.** If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school **or in the case of a workplace charter school, a child whose parent is employed in the business district or at the business site of such school.**

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general

assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

4. A charter school shall make available for public inspection, and provide upon request, to the parent, guardian, or other custodian of any school-age pupil resident in the district in which the school is located, the following information:

- (1) The school's charter;
- (2) The school's most recent annual report card published according to section 160.522; and
- (3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo, for furnishing copies of documents under this subsection.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free [or reduced-price] **and reduced lunch [or other], special education, or limited English proficiency status, as well as eligibility for** categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside [and]. **The charter school shall report the average daily attendance data, free and reduced lunch count, special education pupil count, and limited English proficiency pupil count** to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. Except as provided in subsections 3 and 4 of this section, the aid payments for charter schools shall be as described in this subsection.

(1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the [equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school] **charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo,** plus all other state aid attributable to such pupils[, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo].

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) **If the department overpays or underpays the amount due to the charter school, such overpayment or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.**

(4) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

[(4)] (5) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following the receipt of any such funds. **The department of elementary and secondary education shall pay the amounts due when it acts as the disbursal agent within five days of the required due date.**

[(5)] The per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.]

3. A workplace charter school shall receive payment for each eligible pupil as provided under subsection 2 of this section, except that if the student is not a resident of the district and is participating in a voluntary interdistrict transfer program, the payment for such pupils shall be the same as provided under section 162.1060, RSMo.

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils. If a charter school declares itself as a local education agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

5. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted [in its next payment] **equally in the next twelve payments** by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo. **During the period of dispute, the department of elementary and secondary education shall make every administrative and statutory effort to allow the continued education of children in their current public charter school setting.**

[4.] **6.** The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

[5.] **7.** A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

[6.] **8.** A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

[7.] **9.** (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

[8.] **10.** A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

[9.] **11.** A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

[10.] **12.** Charter schools shall not have the power to acquire property by eminent domain.

[11.] **13.** The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.420. **1. Any school district in which charter schools may be established under sections 160.400 to 160.420 shall establish a uniform policy which provides that** if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. **[A] The district's policy shall provide that any teacher who accepts a position at a charter school and opts**

to remain an employee of the district retains such teacher's permanent teacher status and **retains such teacher's** seniority rights in the district **for three years**. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All [noncertified] **noncertificated** instructional personnel shall be supervised by [certified] **certificated** instructional personnel. **A charter school that has a foreign language immersion experience as its chief educational mission, as stated in its charter, shall not be subject to the twenty percent requirement of this subsection but shall ensure that any teachers whose duties include instruction given in a foreign language have current valid credentials in the country in which such teacher received his or her training and shall remain subject to the remaining requirements of this subsection.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. **The charter school may not employ instructional personnel whose certificate of license to teach has been revoked or is currently suspended by the state board of education.** Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) The level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district, and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body

if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.”; and

Further amend said bill, Section 167.332, Page 66, Line 19, by inserting after all of said line the following:

“167.349. In any school district to which any provisions of sections 167.340 to 167.346 apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district **and any campus of the state university located in a county of the third classification** may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies.”; and

Further amend said bill, Section B, Page 86, Line 2, by deleting “160.415,” and inserting in lieu thereof the following:

“160.400, 160.405, 160.410, 160.415, 160.420,”; and

Further amend said bill, Section B, Page 86, Line 5, by inserting immediately after the figure “167.332,” the following: “167.349,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Sanders Brooks, **House Amendment No. 9** was adopted.

Representative Fares offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 77, Section 1, Line 15, by inserting after all of said line the following:

“Section 2. Other provisions of law to the contrary notwithstanding, a transfer corporation formed pursuant to section 162.1060, RSMo, shall receive state aid as calculated in this section:

(1) For purposes of determining weighted average daily attendance pursuant to section 163.011, RSMo, and for the purposes of determining state aid pursuant to sections 163.031, 163.043, and 163.087, RSMo, and any other source of state aid distributed on a per-pupil basis, students attending a district other than their district of residence pursuant to a court-approved transfer program shall be credited to, and all related per pupil aid shall be paid to, the transfer corporation instead of to any other district. The weighted average daily attendance and state aid calculation for the transfer corporation shall be treated on the same basis as the calculation for a separate school district; and

(2) For the eighth year of operation and thereafter, the transfer corporation shall receive transportation state aid for each student that participates in the transfer program in the amount of one hundred fifty-five percent of the statewide average per pupil cost for transportation for the second preceding school year provided that such aid shall not exceed seventy-five percent of necessary transportation costs.”; and

Further amend said bill, Page 86, Section B, Line 2, by deleting “and 1” and inserting in lieu thereof the following: “1, and 2”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Fares, **House Amendment No. 10** was adopted.

Representative LeVota offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 21, Section 163.011, Lines 279-280, by striking all of said lines and inserting in lieu thereof the following:

“be included in the state adequacy target in the subsequent year;”.

Representative LeVota moved that **House Amendment No. 11** be adopted.

Which motion was defeated.

Representative Stevenson offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 77, Section 1, Line 15, by inserting after all of said line the following:

“Section 2. No school district or individual school within any school district shall adopt any policy or procedure or permit any school-sponsored activity that advocates or supports any behavior that is punishable under a state criminal statute.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Burnett raised a point of order that **House Amendment No. 12** goes beyond the scope of the bill.

The Chair ruled the point of order not timely.

Representative Johnson (90) offered **House Substitute Amendment No. 1 for House Amendment No. 12**.

*House Substitute Amendment No. 1
for
House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 77, Section 1, Line 15, by inserting after all of said line the following:

“Section 2. No school district or individual school within any school district shall adopt any policy or procedure or permit any school-sponsored activity that advocates or supports any criminal behavior.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roark offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 12**.

House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 12

AMEND House Substitute Amendment No. 1 for House Amendment No. 12 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 1, Section 2, Line 6, by inserting after the word “behavior”: “or homosexuality.”.

Speaker Jetton resumed the Chair.

On motion of Representative Roark, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 12** was adopted by the following vote:

AYES: 081

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Bringer	Brown 30	Bruns	Byrd
Casey	Chinn	Cooper 120	Cooper 158	Cunningham 145
Cunningham 86	Davis	Day	Dethrow	Dusenberg
Emery	Ervin	Faith	Fisher	Flook
Franz	Guest	Hobbs	Hunter	Icet
Jones	Kelly	Kingery	Kraus	Lager
Lembke	Lipke	Loehner	May	McGhee
Munzlinger	Muschany	Nance	Nieves	Nolte
Parker	Parson	Phillips	Pollock	Pratt
Quinn	Rector	Roark	Robb	Ruestman
Rupp	Salva	Sander	Sater	Schaaf
Schad	Selby	Self	Shoemyer	Silvey
Skaggs	Smith 118	Stefanick	Stevenson	St. Onge
Sutherland	Swinger	Tilley	Wagner	Wallace
Wells	Wilson 130	Witte	Wright 137	Yates
Mr Speaker				

NOES: 047

Aull	Baker 25	Bland	Bowman	Brooks
Brown 50	Burnett	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Donnelly	Dougherty	Fares
Fraser	Harris 23	Harris 110	Haywood	Henke
Hoskins	Hubbard	Hughes	Johnson 47	Johnson 90
Jolly	Kratky	Lampe	LeVota	Liese
Low 39	Lowe 44	Meiners	Moore	Oxford
Page	Schlottach	Storch	Villa	Vogt
Walsh	Walton	Weter	Wildberger	Yaeger
Young	Zweifel			

PRESENT: 017

Dempsey	El-Amin	George	Johnson 61	Kuessner
Marsh	Pearce	Robinson	Schneider	Smith 14
Spreng	Threlkeld	Viebrock	Whorton	Wilson 119
Wood	Wright-Jones			

ABSENT WITH LEAVE: 017

Bean	Boykins	Cooper 155	Deeken	Denison
Dixon	Goodman	Jackson	Meadows	Myers
Portwood	Richard	Roorda	Rucker	Schoemehl
Wasson	Wright 159			

VACANCIES: 001

House Substitute Amendment No. 1 for House Amendment No. 12, as amended, was withdrawn.

House Amendment No. 12 was withdrawn.

Representative Wallace offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 2, Section 142.816, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

“142.816. 1. Motor fuel sold to be used to operate buses to transport students to or from public school or to transport public school students”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wallace, **House Amendment No. 13** was adopted.

Representative Cooper (120) offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287, Page 72, Section 168.515, Line 77, by inserting after all of said line the following:

"169.596. 1. Notwithstanding any other provision of this chapter to the contrary, a retired certificated teacher receiving a retirement benefit from the retirement system established pursuant to sections 169.010 to 169.141 may, without losing his or her retirement benefit, teach full time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of certified teachers, as determined by the school district, **and provided that no such retired certificated teacher shall be employed as a superintendent**. The total number of such retired certificated teachers shall not exceed, at any one time, the lesser of ten percent of the total teacher staff for that school district, or five certificated teachers.

2. Notwithstanding any other provision of this chapter to the contrary, a person receiving a retirement benefit from the retirement system established pursuant to sections 169.600 to 169.715 may, without losing his or her retirement benefit, be employed full time for up to two years for a school district covered by such retirement system; provided that the school district has a shortage of noncertificated employees, as determined by the school district. The total number of such retired noncertificated employees shall not exceed, at any one time, the lesser of ten percent of the total noncertificated staff for that school district, or five employees.

3. The employer's contribution rate shall be paid by the hiring school district.

4. In order to hire teachers and noncertificated employees pursuant to the provisions of this section, the school district shall:

(1) Show a good faith effort to fill positions with nonretired certificated teachers or nonretired noncertificated employees;

- (2) Post the vacancy for at least one month;
 - (3) Have not offered early retirement incentives for either of the previous two years;
 - (4) Solicit applications through the local newspaper, other media, or teacher education programs;
 - (5) Determine there is an insufficient number of eligible applicants for the advertised position; and
 - (6) Declare a critical shortage of certificated teachers or noncertificated employees that is active for one year.
5. Any person hired pursuant to this section shall be included in the State Director of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Bringer raised a point of order that **House Amendment No. 14** goes beyond the scope of the title of the bill.

The Chair ruled the point of order not well taken.

Representative Harris (23) moved that **HCS SS SCS SB 287, as amended**, be recommitted to the Committee on Fiscal Review pursuant to Rules 69 and 25.

Which motion was defeated.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Baker 123	Bean	Bearden	Behnen	Bivins
Brown 30	Bruns	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Dusenberg	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Goodman
Guest	Hobbs	Hunter	Ice	Jackson
Johnson 47	Jones	Kelly	Kingery	Kraus
Lager	Lembke	Lipke	Loehner	Marsh
May	McGhee	Moore	Munzlinger	Muschany
Nance	Nieves	Nolte	Parker	Parson
Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Ruestman	Rupp	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Self	Silvey
Smith 14	Smith 118	Stefanick	Stevenson	St. Onge
Sutherland	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 137	Wright 159	Yates	Mr Speaker

NOES: 062

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Dougherty
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes

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Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery	Black	Boykins	Brown 50	Myers
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VACANCIES: 001

Speaker Pro Tem Bearden resumed the Chair.

On motion of Representative Cooper (120), **House Amendment No. 14** was adopted.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Avery	Baker 123	Bean	Bearden	Behnen
Bivins	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Iceet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Nance	Nieves	Nolte	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Ruestman	Rupp	Sander	Sater
Schaaf	Schad	Schlottach	Self	Silvey
Smith 14	Smith 118	Stefanick	Stevenson	St. Onge
Sutherland	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 137	Wright 159	Yates	Mr Speaker

NOES: 062

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	Dougherty
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner

Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Oxford	Page	Robinson
Roorda	Rucker	Salva	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 001

Schneider

ABSENT WITH LEAVE: 004

Black	Boykins	Brown 50	Myers
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VACANCIES: 001

On motion of Representative Baker (123), **HCS SS SCS SB 287, as amended**, was adopted by the following vote:

AYES: 093

Baker 123	Bean	Bearden	Behnen	Black
Brown 30	Bruns	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Dusenberger	Emery	Ervin	Faith
Fares	Fisher	Flook	Franz	Goodman
Guest	Hobbs	Ice	Jackson	Johnson 47
Jones	Kelly	Kingery	Kraus	Lager
Lipke	Loehner	Marsh	May	McGhee
Moore	Muschany	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Pratt	Quinn	Rector	Richard	Roark
Robb	Rucker	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 065

Aull	Avery	Baker 25	Bivins	Bland
Bowman	Bringer	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
Dougherty	El-Amin	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Hunter	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	Lembke	LeVota
Liese	Low 39	Lowe 44	Meadows	Meiners
Munzlinger	Oxford	Page	Portwood	Robinson
Roorda	Salva	Schoemehl	Selby	Shoemyer

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Skaggs	Spreng	Storch	Swinger	Villa
Vogt	Wagner	Walsh	Walton	Whorton
Witte	Wright-Jones	Yaeger	Young	Zweifel

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 003

Boykins	Brown 50	Myers
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VACANCIES: 001

On motion of Representative Baker (123), **HCS SS SCS SB 287, as amended**, was read the third time and passed by the following vote:

AYES: 094

Baker 123	Bean	Bearden	Behnen	Black
Brown 30	Bruns	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Dougherty	Dusenberg	Emery	Ervin
Faith	Fisher	Flook	Franz	Goodman
Guest	Hobbs	Ice	Jackson	Johnson 47
Jones	Kelly	Kingery	Kraus	Lager
Lipke	Loehner	Marsh	May	McGhee
Moore	Muschany	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Rucker	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Self	Silvey	Smith 14	Smith 118
Stefanick	Stevenson	St. Onge	Sutherland	Threlkeld
Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wildberger	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 065

Aull	Avery	Baker 25	Bivins	Bland
Bowman	Bringer	Brooks	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Fares	Fraser	George
Harris 23	Harris 110	Haywood	Henke	Hoskins
Hubbard	Hughes	Hunter	Johnson 61	Johnson 90
Jolly	Kratky	Kuessner	Lampe	Lembke
LeVota	Liese	Low 39	Lowe 44	Meadows
Meiners	Munzlinger	Oxford	Page	Robinson
Roorda	Salva	Schoemehl	Selby	Shoemyer
Skaggs	Spreng	Storch	Swinger	Villa
Vogt	Wagner	Walsh	Walton	Whorton
Witte	Wright-Jones	Yaeger	Young	Zweifel

PRESENT: 000

ABSENT WITH LEAVE: 003

Boykins Brown 50 Myers

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 20 - Rules

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SS SCS SB 2 - Fiscal Review (Fiscal Note)

COMMITTEE REPORTS

Committee on Crime Prevention and Public Safety, Chairman Lipke reporting:

Mr. Speaker: Your Committee on Crime Prevention and Public Safety, to which was referred **SS SCS SBs 37, 322, 78, 351 & 424**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Veterans, Chairman Jackson reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **SJR 19**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SCR 19**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 2**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SCS SB 196**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS#2 SS SB 362**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 177**: Senators Shields, Scott, Dolan, Callahan and Wheeler.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 233, as amended**: Senators Stouffer, Koster, Dolan, Callahan and Barnitz.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 353**, entitled:

An act to repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017, 195.214, 211.031, 217.105, 217.705, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147, 367.031, 407.1355, 479.230, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 559.607, 565.081, 565.082, 565.083, 566.083, 567.080, 568.045, 568.050, 569.040, 569.080, 569.090, 570.030, 570.040, 570.080, 570.120, 570.145, 570.223, 570.255, 570.300, 573.503, 575.150, 575.270, 576.050, 577.023, 577.041, 577.500, 595.209, and 650.055, RSMo, and to enact in lieu thereof eighty-six new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and a severability clause.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 5, Senate Amendment No. 1 to Senate Amendment No. 6, Senate Amendment No. 6, as amended, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 16, Senate Amendment No. 17 and Senate Amendment No. 18.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Pages 7-8, Section 43.532, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 72, Section 407.1355, Line 1, by inserting after all of said line the following:

"407.1400. 1. Except as otherwise allowed by state or federal law, or unless consent has been provided as it is established in this section, financial institutions, their officers, employees, agents, and directors shall not disclose to any person any financial information relating to a customer.

2. A governmental agency or law enforcement agency may obtain customer information from a financial institution pursuant to a judicial or administrative subpoena duces tecum served on the financial institution, if there is reason to believe that the customer information sought is relevant to a proper law enforcement objective or is otherwise authorized by law.

3. A governmental agency or law enforcement agency may obtain customer information from a financial institution pursuant to a search warrant if it obtains the search warrant under the rules of criminal procedure of this state.

4. No consent or waiver shall be required as a condition of doing business with any financial institution, and any consent or waiver obtained from a customer as a condition of doing business with a financial institution shall not be deemed a consent of the customer for the purpose of this section.

5. Valid consent shall be in writing and signed by the customer. In consenting to disclosure of customer information, a customer may specify any of the following:

- (1) The time during which such consent will operate;
- (2) The customer information to be disclosed; and
- (3) The persons, government agencies, or law enforcement agencies to which disclosure can be made.

407.1403. 1. Any person or business that conducts business in this state and that owns or licenses computerized data that includes personal information, shall disclose any breach of the security of the system following discovery or notification of the breach. Notification shall be made to any resident of the state whose encrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made in the most expedient time possible, but no more than thirty days after such breach has been discovered.

2. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation.

3. For purposes of this section, "breach of security of the system" shall mean unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by the business or person. Good faith acquisition of personal information by an employee or agent of the business for the purposes of the business shall not be considered a breach of security of the system, provided that the personal information is not used or subject to further unauthorized disclosure.

4. For purposes of this section, "personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

- (1) Social security number;
 - (2) Driver's license number;
 - (3) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.
- For purposes of this section, "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

5. For purposes of this section, "notice" may be provided by one of the following methods:

- (1) Written notice;
- (2) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in Section 7001 of Title 15 of the United States Code;
- (3) Substitute notice, if the agency demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, that the affected class of subject persons to be notified exceeds five hundred thousand, or the agency does not have sufficient contact information. Substitute notice shall consist of all of the following:

- (a) E-mail notice when the agency has an e-mail address for the subject persons;
- (b) Conspicuous posting of the notice on the agency's website, if the agency maintains one; and
- (c) Notification to major statewide media.

6. Notwithstanding subsection 5 of this section, an agency that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this part shall be deemed to be in compliance with the notification requirements

of this section if it notifies subject persons in accordance with its policies in the event of a breach of security of the system.

7. Any person or business who violates the provisions of this section shall be guilty of a class A misdemeanor and, upon conviction, shall be punished by a fine of up to one thousand dollars for each and every act or violation, by imprisonment in the county jail for a term not to exceed one year, or by both at the discretion of the court.

407.1406. 1. A consumer may elect to place a security alert in his or her credit report by making a request in writing or by telephone to a consumer credit reporting agency. "Security alert" means a notice placed in a consumer's credit report, at the request of the consumer, that notifies a recipient of the credit report that the consumer's identity may have been used without the consumer's consent to fraudulently obtain goods or services in the consumer's name.

2. A consumer credit reporting agency shall notify each person requesting consumer credit information with respect to a consumer of the existence of a security alert in the credit report of that consumer, regardless of whether a full credit report, credit score, or summary report is requested.

3. Each consumer credit reporting agency shall maintain a toll-free telephone number to accept security alert requests from consumers twenty-four hours a day, seven days a week.

4. The toll-free telephone number shall be included in any written disclosure by a consumer credit reporting agency to any consumer pursuant to section 407.1421 and shall be printed in a clear and conspicuous manner.

5. A consumer credit reporting agency shall place a security alert on a consumer's credit report no later than five business days after receiving a request from the consumer.

6. The security alert shall remain in place for at least 90 days, and a consumer shall have the right to request a renewal of the security alert.

407.1409. 1. A consumer may elect to place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer credit reporting agency. "Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer credit reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a consumer credit reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

2. A consumer credit reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer.

3. The consumer credit reporting agency shall send a written confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit for a specific party or period of time.

4. If the consumer wishes to allow his or her credit report to be accessed for a specific party or period of time while a freeze is in place, he or she shall contact the consumer credit reporting agency, request that the freeze be temporarily lifted, and provide the following:

(1) Proper identification, as defined in subsection 3 of section 407.1421.

(2) The unique personal identification number or password provided by the credit reporting agency pursuant to subdivision (c).

(3) The proper information regarding the third party who is to receive the credit report or the time period for which the report shall be available to users of the credit report.

5. A consumer credit reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection 4 of this section, shall comply with the request no later than three business days after receiving the request.

6. A consumer credit reporting agency may develop procedures involving the use of telephone, fax, the Internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report pursuant to subsection 4 of this section in an expedited manner.

7. A consumer credit reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(1) Upon consumer request, pursuant to subsection 4 or 10 of this section;

(2) If the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. If a consumer credit reporting agency intends to remove a freeze upon a consumer's credit report pursuant to this subdivision, the consumer credit reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

8. If a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that specific party or period of time, the third party may treat the application as incomplete.

9. If a consumer requests a security freeze, the consumer credit reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific party or period of time while the freeze is in place.

10. A security freeze shall remain in place until the consumer requests that the security freeze be removed. A consumer credit reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides both of the following:

- (1) Proper identification, as defined in subsection 3 of section 407.1421;
- (2) The unique personal identification number or password provided by the credit reporting agency pursuant to subsection 3 of this section.

11. A consumer credit reporting agency shall require proper identification, as defined in subsection 3 of section 407.1421, of the person making a request to place or remove a security freeze.

12. The provisions of this section do not apply to the use of a consumer credit report by any of the following:

(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(2) A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subdivision (2) of subsection 4 of this section for purposes of facilitating the extension of credit or other permissible use;

(3) Any state or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

(4) A child support agency;

(5) The department of health and senior services or its agents or assigns acting to investigate Medicaid fraud;

(6) The state tax commission or its agents or assigns acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

(7) The use of credit information for the purposes of prescreening as provided for by the federal Fair Credit Reporting Act;

(8) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed;

(9) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request.

13. This act does not prevent a consumer credit reporting agency from charging a fee of no more than ten dollars to a consumer for each freeze, removal of the freeze, or temporary lift of the freeze for a period of time, or a fee of no more than twelve dollars for a temporary lift of a freeze for a specific party, regarding access to a consumer credit report, except that a consumer credit reporting agency may not charge a fee to a victim of identity theft who has submitted a valid police report.

407.1412. 1. If a security freeze is in place, a consumer credit reporting agency shall not change any of the following official information in a consumer credit report without sending a written confirmation of the change to the consumer within thirty days of the change being posted to the consumer's file: name, date of birth, social security number, and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of

numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

2. If a consumer has placed a security alert, a consumer credit reporting agency shall provide the consumer, upon request, with a free copy of his or her credit report at the time the ninety-day security alert period expires.

407.1415. The provisions of sections 407.1406 to 407.1412 do not apply to a consumer credit reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer credit reporting agency or multiple consumer credit reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced. However, a consumer credit reporting agency shall honor any security freeze placed on a consumer credit report by another consumer credit reporting agency.

407.1418. The following entities are not required to place in a credit report either a security alert, pursuant to section 407.1406, or a security freeze, pursuant to section 407.1409:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments;

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

407.1421. A consumer credit reporting agency shall supply files and information required during normal business hours and on reasonable notice. In addition to the disclosure provided by this chapter and any disclosures received by the consumer, the consumer has the right to request and receive all of the following:

(1) Either a decoded written version of the file or a written copy of the file, including all information in the file at the time of the request, with an explanation of any code used;

(2) A credit score for the consumer, the key factors, and the related information, as defined in and required by this subsection;

(3) A record of all inquiries, by recipient, which result in the provision of information concerning the consumer in connection with a credit transaction that is not initiated by the consumer and which were received by the consumer credit reporting agency in the twelve-month period immediately preceding the request for disclosure under this section;

(4) The recipients, including end users of any consumer credit report on the consumer which the consumer credit reporting agency has furnished:

(a) For employment purposes within the two-year period preceding the request;

(b) For any other purpose within the twelve-month period preceding the request.

Identification for purposes of this subdivision shall include the name of the recipient or, if applicable, the fictitious business name under which the recipient does business disclosed in full. If requested by the consumer, the identification shall also include the address of the recipient.

(5) Files maintained on a consumer shall be disclosed promptly as follows:

(a) In person, at the location where the consumer credit reporting agency maintains the trained personnel required by this subdivision, if he or she appears in person and furnishes proper identification;

(b) By mail, if the consumer makes a written request with proper identification for a copy of the file or a decoded written version of that file to be sent to the consumer at a specified address. A disclosure pursuant to this subdivision shall be deposited in the United States mail, postage prepaid, within five business days after the consumer's written request for the disclosure is received by the consumer credit reporting agency. Consumer credit reporting agencies complying with requests for mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after the mailings leave the consumer credit reporting agencies;

(c) A summary of all information contained in files on a consumer and required to be provided shall be provided by telephone, if the consumer has made a written request, with proper identification for telephone disclosure;

(d) Information in a consumer's file required to be provided in writing under this section may also be disclosed in another form if authorized by the consumer and if available from the consumer credit reporting

agency. For this purpose a consumer may request disclosure in person by telephone upon disclosure of proper identification by the consumer, by electronic means if available from the consumer credit reporting agency, or by any other reasonable means that is available from the consumer credit reporting agency.

(6) "Proper identification," as used in this section means that information generally deemed sufficient to identify a person. Only if the consumer is unable to reasonably identify himself or herself with the information described above, may a consumer credit reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(7) The consumer credit reporting agency shall provide trained personnel to explain to the consumer any information furnished him or her;

(8) The consumer shall be permitted to be accompanied by one other person of his or her choosing, who shall furnish reasonable identification. A consumer credit reporting agency may require the consumer to furnish a written statement granting permission to the consumer credit reporting agency to discuss the consumer's file in that person's presence;

(9) Any written disclosure by a consumer credit reporting agency to any consumer pursuant to this section shall include a written summary of all rights the consumer has under this title and in the case of a consumer credit reporting agency which compiles and maintains consumer credit reports on a nationwide basis, a toll-free telephone number which the consumer can use to communicate with the consumer credit reporting agency. The written summary of rights required under this subdivision is sufficient if in substantially the following form:

"You have a right to obtain a copy of your credit file from a consumer credit reporting agency. You may be charged a reasonable fee not exceeding eight dollars (\$8). There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The consumer credit reporting agency must provide someone to help you interpret the information in your credit file.

You have a right to dispute inaccurate information by contacting the consumer credit reporting agency directly. However, neither you nor any credit repair company or credit service organization has the right to have accurate, current, and verifiable information removed from your credit report. Under the Federal Fair Credit Reporting Act, the consumer credit reporting agency must remove accurate, negative information from your report only if it is over seven years old. Bankruptcy information can be reported for 10 years.

If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the consumer credit reporting agency must then, within 30 business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the consumer credit reporting agency.

If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the consumer credit reporting agency to keep in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about disputed information in a report it issues about you.

You have a right to receive a record of all inquiries relating to a credit transaction initiated in 12 months preceding your request. This record shall include the recipients of any consumer credit report.

You may request in writing that the information contained in your file not be provided to a third party for marketing purposes. You have a right to place a "security alert" in your credit report, which will warn anyone who receives information in your credit report that your identity may have been used without your consent. Recipients of your credit report are required to take reasonable steps, including contacting you at the telephone number you may provide with your security alert, to verify your identity prior to lending money, extending credit, or completing the purchase, lease, or rental of goods or services. The security alert may prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that taking advantage of this right may delay or interfere with the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of

credit at point of sale. If you place a security alert on your credit report, you have a right to obtain a free copy of your credit report at the time the 90-day security alert period expires. A security alert may be requested by calling the following toll-free telephone number: (Insert applicable toll-free telephone number).

You have a right to place a "security freeze" on your credit report, which will prohibit a consumer credit reporting agency from releasing any information in your credit report without your express authorization. A security freeze must be requested in writing by certified mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a specific party or period of time after the freeze is in place. To provide that authorization you must contact the consumer credit reporting agency and provide all of the following:

- (1) The personal identification number or password.
- (2) Proper identification to verify your identity.
- (3) The proper information regarding the third party who is to receive the credit report or the period of time for which the report shall be available.

A consumer credit reporting agency must authorize the release of your credit report no later than three business days after receiving the above information.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer credit reporting agency, who improperly obtains access to a file, knowingly or willfully misuses file data, or fails to correct inaccurate file data.""; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 147, Section 578.500, Line 11, by inserting after all of said line the following:

"590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; [and]

(5) Persons commissioned and serving as a reserve peace officer within a county of the first classification on August 28, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the

number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health and senior services, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.";

Further amend the title and enacting clause accordingly.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 38, Section 195.017, Line 21 of said page, by inserting immediately after said line the following:

"195.060. 1. Except as provided in subsection 3 of this section, a pharmacist, in good faith, may sell and dispense controlled substances to any person only upon a prescription of a practitioner as authorized by statute, provided that the controlled substances listed in Schedule V may be sold without prescription in accordance with regulations of the department of health and senior services. All written prescriptions shall be signed by the person prescribing the same. All prescriptions shall be dated on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the full name, address, and the registry number under the federal controlled substances laws of the person prescribing, if he is required by those laws to be so registered. If the prescription is for an animal, it shall state the species of the animal for which the drug is prescribed. The person filling the prescription shall **either** write the date of filling and his own signature on the prescription **or retain the date of filling and the identity of the dispenser as electronic prescription information**. The prescription **or electronic prescription information** shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than six months after the date prescribed; no prescription for a drug in schedule I or II shall be refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six months after the date of the original prescription or be refilled more than five times unless renewed by the practitioner.

2. The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or pharmacist, but only on an official written order.

3. A pharmacist, in good faith, may sell and dispense, any Schedule II drug or drugs to any person, in emergency situations as defined by rule of the department of health and senior services upon an oral prescription by an authorized practitioner.

4. It shall be unlawful for controlled substances to be promoted or advertised for use or sale, provided that this subsection shall not prohibit such activity by a manufacturer, wholesaler, or their agents directed to a physician, pharmacist or other practitioner.

5. Except where a bona fide physician-patient-pharmacist relationship exists, prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate user or agent by mail or other common carrier.

195.080. 1. Except as otherwise in sections 195.005 to 195.425 specifically provided, sections 195.005 to 195.425 shall not apply to the following cases: Prescribing, administering, dispensing or selling at retail of liniments, ointments, and other preparations that are susceptible of external use only and that contain controlled substances in such combinations of drugs as to prevent the drugs from being readily extracted from such liniments, ointments, or preparations, except that sections 195.005 to 195.425 shall apply to all liniments, ointments, and other preparations that contain coca leaves in any quantity or combination.

2. The quantity of Schedule II controlled substances prescribed or dispensed at any one time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of sections 195.005 to 195.425. The supply limitations provided in this subsection may be increased up to three months if the physician describes on the prescription form **or indicates via telephone, facsimile, or electronic communication to the pharmacy for entry on or attached to the prescription form** the medical reason for requiring the larger supply.

3. The partial filling of a prescription for a Schedule II substance is permissible as defined by regulation by the department of health and senior services."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 81, Section 556.036, Line 18, by inserting after all of said line the following:

"557.036. 1. **Subject to the limitation provided in subsection 3 of this section**, upon a finding of guilt upon verdict or plea, the court shall decide the extent or duration of sentence or other disposition to be imposed under all the circumstances, having regard to the nature and circumstances of the offense and the history and character of the defendant and render judgment accordingly.

2. [Where an offense is submitted to the jury, the trial shall proceed in two stages. At the first stage, the jury shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

3. If the jury at the first stage of a trial finds the defendant guilty of the submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact of the crime upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the defendant. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall instruct the jury as to the range of punishment authorized by statute for each submitted offense. The attorneys may argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment as authorized by statute.

4. A second stage of the trial shall not proceed and the court, and not the jury, shall assess punishment if] **The court shall instruct the jury as to the range of punishment as part of the verdict, unless:**

(1) The defendant requests in writing, prior to voir dire, that the court assess the punishment in case of a finding of guilt; or

(2) The state pleads and proves the defendant is a prior offender, persistent offender, dangerous offender, or persistent misdemeanor offender as defined in section 558.016, RSMo, a persistent sexual offender as defined in section 558.018, RSMo, or a predatory sexual offender as defined in section 558.018, RSMo.

If the jury **finds the defendant guilty but** cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection 1 of this section. If[,] **there be a trial by jury and the jury is to assess punishment and if** after due deliberation by the jury[,] the court finds the jury cannot agree on punishment, then the court may instruct the jury that if it cannot agree on punishment that **it may return its verdict without assessing punishment and** the court will assess punishment.

[5.] **3.** If the jury returns a verdict of guilty [in the first stage] and declares a term of imprisonment [in the second stage] **as provided in subsection 2 of this section**, the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less than the authorized lowest term for the offense, in which event the court cannot impose a term of imprisonment greater than the lowest term provided for the offense.

[6.] **4.** If the defendant is found to be a prior offender, persistent offender, dangerous offender or persistent misdemeanor offender as defined in section 558.016, RSMo:

(1) If he has been found guilty of an offense, the court shall proceed as provided in section 558.016, RSMo; or

(2) If he has been found guilty of a class A felony, the court may impose any sentence authorized for the class A felony.

[7.] **5.** The court shall not seek an advisory verdict from the jury in cases of prior offenders, persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall consider it as mere surplusage."; and

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 1
to
Senate Amendment No. 6*

AMEND Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 3, Section 557.036, Line 2, by inserting immediately after the second use of the word "punishment" the following:

", except that the court shall not assess capital punishment".

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353 Page 101, Section 565.083, Line 25 of said page by inserting after all of said line the following:

"565.252. 1. A person commits the crime of invasion of privacy in the first degree if such person:

(1) Knowingly photographs or films another person, without the person's knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer; or

(2) Knowingly disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of subdivision (1) of this subsection or in violation of section 565.253; **or**

(3) Knowingly videotapes, films, photographs, or otherwise records another person, in a secret or surreptitious manner, under or through the clothing being worn by such person for the purpose of viewing the body of, or the undergarments worn by, such person.

2. Invasion of privacy in the first degree is a class D felony."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 103, Section 566.086, Line 9 of said page, by inserting after all of said line the following:

"566.200. As used in sections 566.200 to [566.218] **566.221**, the following terms shall mean:

(1) **"Basic rights information", information applicable to a noncitizen, including but not limited to, information about human rights, immigration, emergency assistance and resources, and the legal rights and resources for victims of domestic violence;**

(2) **"Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international marriage broker to meet recruits;**

(3) **"Commercial sex act", any sex act on account of which anything of value is given to or received by any person;**

(4) **"Criminal history record information", criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;**

(5) **"International marriage broker",**

(a) A corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States or any other state, that charges fees to residents of Missouri for providing

dating, matrimonial, or social referrals or matching services between United States citizens or residents and non-resident aliens by providing information or a forum that would permit individuals to contact each other. Such contact shall include, but is not limited to:

a. Providing the name, telephone number, postal address, electronic mail address, or voice message mailbox of an individual, or otherwise facilitating communication between individuals; or

b. Providing an opportunity for an in-person meeting.

(b) Such term shall not include:

a. A traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States;

b. An entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender or country of citizenship or residence of the individual; or

c. An organization that does not charge a fee to any party for the services provided.

[(2)] (6) "Involuntary servitude or forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(7) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international marriage broker;

[(3)] (8) "Peonage", illegal and involuntary servitude in satisfaction of debt;

(9) "Recruit", a non-citizen, non-resident, recruited by an international marriage broker for the purpose of providing dating, matrimonial, or social referral services.

566.221. 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international marriage broker; and

(3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization.

566.223. Any individual who is alleging that a violation of sections 566.200 to [566.218] **566.221** has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 9

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 73, Section 479.230, Line 27, by inserting immediately after said line the following:

"488.2350. 1. An "Alternative Dispute Resolution Fund" may be established by local court rule in any circuit that has not established a family court pursuant to section 487.010, RSMo. Upon the establishment of such fund, in addition to all other court costs prescribed by law, a surcharge in the amount of thirty dollars shall be assessed in all proceedings filed that would otherwise be under the jurisdiction of a family court under section 487.080, RSMo. The surcharge shall not be charged when no court costs are otherwise required, or in any proceeding when costs are waived, or when the costs are to be paid by the state, county, or municipality. The surcharge shall not be charged to a government agency or against the petitioner for actions filed pursuant to chapter 455, RSMo, but may be charged to the respondent in such actions. All sums collected pursuant to this section shall be payable to the various alternative dispute resolution funds as established.

2. The fund shall be expended for the purpose of providing alternative dispute resolution services to those parties in proceedings that would otherwise be under the jurisdiction of a family court pursuant to section 487.080, RSMo, and to fund an alternative dispute resolution program specialist or similar position to plan, develop, implement, and evaluate an alternative dispute resolution program. Expenditures shall be made at the discretion of the presiding judge for the implementation of the alternative dispute resolution programs as set forth in this section.

3. Circuits may enter into a multi-circuit agreement to jointly hire the alternative dispute resolution program specialist or similar position, to fund the position from their various dispute resolution funds, and to establish uniform rules and procedures for the administration of the program or programs providing alternative dispute resolution services. Such agreements shall be authorized, executed, and entered into by and between the presiding judge of each circuit which is a party to the agreement.

4. Any moneys in the alternative dispute resolution fund shall not replace or reduce the current and ongoing responsibilities of the counties to provide funding for the courts as required by law.

5. From the funds collected pursuant to this section and retained in the alternative dispute resolution fund, each circuit or county in which an alternative dispute resolution program specialist or similar position has been appointed, shall pay to and reimburse the state for the actual costs of that portion of the salaries of alternative dispute resolution program specialists or similar positions."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 16, Section 67.2552, Line 13, by inserting immediately after said line the following:

"105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against:

(1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or 536.087, RSMo, or section 537.600, RSMo;

(2) Any officer or employee of the state of Missouri or any agency of the state, including, without limitation, elected officials, appointees, members of state boards or commissions, and members of the Missouri national guard upon

conduct of such officer or employee arising out of and performed in connection with his or her official duties on behalf of the state, or any agency of the state, provided that moneys in this fund shall not be available for payment of claims made under chapter 287, RSMo; or

(3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state, under formal contract to conduct disability reviews on behalf of the department of elementary and secondary education or provide services to patients or inmates of state correctional facilities [or county jails] on a part-time basis, **and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis;**

(b) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo, who is employed by or under contract with a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city charter, or a combined city-county health department to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract without compensation or the physician is paid from no other source than a governmental agency except for patient co-payments required by federal or state law or local ordinance;

(c) Any physician licensed to practice medicine in Missouri under the provisions of chapter 334, RSMo, who is employed by or under contract with a federally funded community health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery, and child care, if such medical services are provided by the physician pursuant to the contract or employment agreement without compensation or the physician is paid from no other source than a governmental agency or such a federally funded community health center except for patient co-payments required by federal or state law or local ordinance. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of one million dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause against any such physician, and shall not exceed one million dollars for any one claimant;

(d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and receives no compensation from a nonprofit entity qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health screening in any setting or any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered pursuant to chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, dental, or nursing treatment within the scope of his license or registration at a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo, a city health department operating under a city charter, or a combined city-county health department, or a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such treatment is restricted to primary care and preventive health services, provided that such treatment shall not include the performance of an abortion, and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. Medicaid or medicare payments for primary care and preventive health services provided by a physician, dentist, physician assistant, dental hygienist, or nurse who volunteers at a free health clinic is not compensation for the purpose of this section if the total payment is assigned to the free health clinic. For the purposes of the section, "free health clinic" means a nonprofit community health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal Revenue Code of 1987, as amended, that provides primary care and preventive health services to people without health insurance coverage for the services provided without charge. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of any physician, dentist, physician assistant, dental hygienist, or nurse shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph; or

(e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license or registration to students of a school whether a public, private, or parochial elementary

or secondary school, if such physician's treatment is restricted to primary care and preventive health services and if such medical, dental, or nursing services are provided by the physician, dentist, physician assistant, dental hygienist, or nurse without compensation. In the case of any claim or judgment that arises under this paragraph, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars; or

(4) Staff employed by the juvenile division of any judicial circuit; or

(5) Any attorney licensed to practice law in the state of Missouri who practices law at or through a nonprofit community social services center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through any agency of any federal, state, or local government, if such legal practice is provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), and (e) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection 6 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any physician, dentist, physician assistant, dental hygienist, or nurse for coverage concerning his or her private practice and assets shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. However, a physician, nurse, dentist, physician assistant, or dental hygienist may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), and (e) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is in effect.

4. The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 6 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section that exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section, or against an attorney in subdivision (5) of subsection 2 of this section, shall only be made for services rendered in accordance with the conditions of such paragraphs.

6. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall

be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

7. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Pages 39-44, Section 211.031, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 6, Section 67.2552, Line 13, by inserting after all of said line the following:

"115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall [present] **identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.**

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

Are you a citizen of the United States?

☐ YES ☐ NO

Will you be 18 years of age on or before election day?

☐ YES ☐ NO

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THESE QUESTIONS, DO NOT COMPLETE THIS FORM.

IF YOU ARE SUBMITTING THIS FORM BY MAIL AND ARE REGISTERING FOR THE FIRST TIME, PLEASE SUBMIT A COPY OF A CURRENT, VALID PHOTO IDENTIFICATION [OR A COPY OF A CURRENT UTILITY BILL, BANK STATEMENT, GOVERNMENT CHECK, PAYCHECK, OR GOVERNMENT DOCUMENT

THAT SHOWS YOUR NAME AND ADDRESS]. IF YOU DO NOT SUBMIT SUCH INFORMATION, YOU WILL BE REQUIRED TO PRESENT ADDITIONAL IDENTIFICATION UPON VOTING FOR THE FIRST TIME **SUCH AS A BIRTH CERTIFICATE, A NATIVE AMERICAN TRIBAL DOCUMENT ACCOMPANIED BY A SOCIAL SECURITY CARD, OR OTHER PROOF OF UNITED STATES CITIZENSHIP.**

.....
.....	Township (or Ward)
.....	
Name	Precinct
.....	
.....	
Home Address	Required Personal
	Identification Information
.....	
City ZIP	
.....
Date of Birth	Place of Birth (Optional)
.....
Telephone Number	Mother's Maiden Name
(Optional)	(Optional)
.....
Occupation (Optional)	Last Place Previously Registered
.....
Last four digits of	Under What Name
Social Security Number	
(Required for registration	
unless no Social Security	
number exists for Applicant)	
Remarks:	
.....	
	When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief. **I UNDERSTAND THAT IF I REGISTER TO VOTE KNOWING THAT I AM NOT LEGALLY ENTITLED TO REGISTER, I AM COMMITTING A CLASS ONE ELECTION OFFENSE AND MAY BE PUNISHED BY IMPRISONMENT OF NOT MORE THAN FIVE YEARS OR BY A FINE OF BETWEEN TWO THOUSAND FIVE HUNDRED DOLLARS AND TEN THOUSAND DOLLARS OR BY BOTH SUCH IMPRISONMENT AND FINE.**

.....	
.....	
Signature of Voter	Date
.....	
Signature of Election Official	

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time

established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223. If an applicant for voter registration fails to answer the question on the application concerning United States citizenship, the election authority shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form before the next election.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law.

6. All voter registration applications shall be preserved in the office of the election authority.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section not later than five business days after the form is completed by the applicant.

7. Any person registering to vote when applying for or renewing a Missouri driver's license shall submit with the application form a copy of a birth certificate, a Native American tribal document, or other proof of United States citizenship."; and

Further amend said bill, Section 115.348, Page 16, Line 17, by inserting after all of said line the following:

"115.631. The following offenses, and any others specifically so described by law, shall be class one election offenses and are deemed felonies connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than five years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) Willfully and falsely making any certificate, affidavit, or statement required to be made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460, RSMo, including but not limited to statements specifically required to be made "under penalty of perjury"; or in any other manner knowingly furnishing false information to an election authority or election official engaged in any lawful duty or action in such a way as to hinder or mislead the authority or official in the performance of official duties. **If an individual willfully and falsely makes any certificate, affidavit, or statement required to be made under section 115.155, including but not limited to statements specifically required to be made 'under penalty of perjury', such individual shall be guilty of a class B felony;**

(2) Voting more than once or voting at any election knowing that the person is not entitled to vote or that the person has already voted on the same day at another location inside or outside the state of Missouri;

(3) Procuring any person to vote knowing the person is not lawfully entitled to vote or knowingly procuring an illegal vote to be cast at any election;

(4) Applying for a ballot in the name of any other person, whether the name be that of a person living or dead or of a fictitious person, or applying for a ballot in his own or any other name after having once voted at the election inside or outside the state of Missouri;

(5) Aiding, abetting or advising another person to vote knowing the person is not legally entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

(6) An election judge knowingly causing or permitting any ballot to be in the ballot box at the opening of the polls and before the voting commences;

(7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected, or otherwise defrauding him of his vote;

(8) An election judge knowingly placing or attempting to place or permitting any ballot, or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the ballot is offered by a qualified voter as provided by law;

(9) Knowingly placing or attempting to place or causing to be placed any false or fraudulent or bogus ballot in a ballot box at any election;

(10) Knowingly removing any legal ballot from a ballot box for the purpose of changing the true and lawful count of any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine or marking device at an election, mislead any voter at the election, or to destroy or change the count or record of votes on such machine;

(17) Registering to vote knowing the person is not legally entitled to register or registering in the name of another person, whether the name be that of a person living or dead or of a fictitious person;

(18) Procuring any other person to register knowing the person is not legally entitled to register, or aiding, abetting or advising another person to register knowing the person is not legally entitled to register;

(19) Knowingly preparing, altering or substituting any computer program or other counting equipment to give an untrue or unlawful result of an election;

(20) On the part of any person assisting a blind or disabled person to vote, knowingly failing to cast such person's vote as such person directs;

(21) On the part of any registration or election official, permitting any person to register to vote or to vote when such official knows the person is not legally entitled to register or not legally entitled to vote;

(22) On the part of a notary public acting in his official capacity, knowingly violating any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to elections;

(23) Violation of any of the provisions of sections 115.275 to 115.303, or of any provision of law pertaining to absentee voting;

(24) Assisting a person to vote knowing such person is not legally entitled to such assistance, or while assisting a person to vote who is legally entitled to such assistance, in any manner coercing, requesting or suggesting that the voter vote for or against, or refrain from voting on any question, ticket or candidate."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 108, Section 569.080, Line 1 of said page, by inserting immediately after said line the following:

"4 (1) Any person convicted of a second offense of tampering in the first degree shall be punished by imprisonment by the department of corrections for a term of not less than two years but not more than seven years. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of two calendar years.

(2) Any person convicted of a third or subsequent offense of tampering in the first degree shall be punished by imprisonment by the department of corrections for a term of not less than five years but not more than twenty years. No person convicted under this subsection shall be eligible for parole, probation, conditional release or suspended imposition or execution of sentence for a period of five calendar years."; and

Further amend said bill, Page 109, Section 569.090, Line 10 of said page, by inserting immediately after said line the following:

"569.100. 1. A person commits the crime of property damage in the first degree if **such person:**

(1) [He] Knowingly damages property of another to an extent exceeding seven hundred and fifty dollars; or

(2) [He] Damages property to an extent exceeding one thousand dollars for the purpose of defrauding an insurer; or

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is breaking into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle.

2. Property damage in the first degree committed pursuant to subdivision (1) or (2) of subsection 1 of this section is a class D felony. Property damage in the first degree committed pursuant to subdivision (3) of subsection 1 of this section is a class C felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 161, Section 650.055, Line 9, by inserting after all of said line the following:

"Section 1. Upon a finding or plea of guilty, the court shall, upon motion of any party or any victim, and after a waiver of the right to trial by jury, conduct a hearing, before final sentencing, to determine the amount due to the victim as restitution by a preponderance of the evidence. The victim may be represented by counsel other than the prosecutor in the hearing. The court shall issue a civil judgment in that amount payable to the victim. The court may include the amount ordered to be payable to the victim for restitution as a condition of probation.

Section 2. No person committed to the department of corrections shall be granted parole unless full payment of restitution established under section 1, if any, is made a condition of parole."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 17

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 83, Section 558.019, Line 24, by inserting immediately after "2." the following: **"(1)";** and

Further amend said bill and section, Page 84, Line 9 of said page, by striking "the following minimum prison terms:" and inserting in lieu thereof the following:

"a sentence as imposed by the judge of the sentencing court. However, the board of probation and parole shall have discretion to review the sentence of such an offender, and it may release the individual on probation or parole prior to the completion of the sentence imposed."; and

Further amend Lines 10-28 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(2) Those offenders sentenced under this section prior to August 28, 2005, shall have his or her sentence reviewed by the board of probation and parole. The board of probation and parole shall have discretion to release such an offender prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements in effect prior to August 28, 2005."; and

Further amend said bill and section, Page 85, Line 8 of said page, by inserting at the end of said line the following:

"However, any person under the age of eighteen years who has pleaded guilty to or been found guilty of a nonviolent felony after being transferred to a court of general jurisdiction as provided for in section 211.071, RSMo, may have his or her sentence reviewed by the board of probation and parole after serving fifty percent of his or her sentence. The board of probation and parole shall have the discretion to release such an offender after serving fifty percent of the sentence, and prior to completion of the sentence imposed in accordance with the former mandatory minimum sentencing requirements in effect prior to August 28, 2005."; and

Further amend said bill and section, Page 86, Line 26 of said page, by striking "therefor sentences are comparable to" and inserting in lieu thereof the following:

"for such disparities. The commission also shall examine whether these disparities are comparable in".

Further amend the title and enacting clause accordingly.

Senate Amendment No. 18

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 353, Page 48, Section 217.735, Line 11 of said page, by inserting after the word "has" the following:

"pleaded guilty to or"; and

Further amend Line 13 of said page, by striking the following "or 566.212" and inserting in lieu thereof the following:

"566.212, 568.020, 568.080, or 568.090"; and

Further amend said bill and section, Page 49, Line 1, by inserting at the end of said line the following:

"Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times."; and

Further amend said bill, Page 93, Section 559.106, Line 28 of said page, by inserting after the word "offender" the following: **"who has pleaded guilty to or has been";** and

Further amend said bill, Page 94, Section 559.106, Line 2 of said page, by striking "466.151, or 566.212" and inserting in lieu thereof the following: **"566.151, 566.212, 568.020, 568.080, or 568.090"**; and

Further amend Line 10 of said page, by inserting after the word "previously" the following:

"pleaded guilty to or has"; and

Further amend Line 14 of said page, by inserting at the end of said line the following:

"Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times."

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

**CONFERENCE COMMITTEE REPORT
ON
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE SUBSTITUTE
FOR
SENATE BILL NO. 343**

The Conference Committee appointed on House Committee Substitute for Senate Substitute for Senate Bill No. 343 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 343;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 343;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 343, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Matt Bartle
/s/ John Loudon
/s/ Charles Shields
/s/ Rita Heard Days
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Ronald Richard
/s/ Tim Flook
/s/ David Pearce
/s/ Fred Kratky
/s/ Michael Spreng

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 678**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 678 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 678;
2. That the House recede from its position on House Bill No. 678;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 678, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Matt Bartle
/s/ Delbert Scott
/s/ Chuck Purgason
/s/ Joan Bray
/s/ Victor Callahan

FOR THE HOUSE:

/s/ Richard Byrd
/s/ Jack A.L. Goodman
/s/ Tim Flook
/s/ John Burnett
/s/ Rick Johnson

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 11:00 a.m., Wednesday, May 11, 2005.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Nathan Cooper, District 158, hereby state and affirm that my vote as recorded on the motion to adopt House Substitute Amendment No. 1 for House Amendment No. 6 to House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 221, 250 & 256 in the House Journal for Tuesday, May 10, 2005 showing that I voted aye was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2005.

/s/ Nathan Cooper
State Representative

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State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2005.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Jane Cunningham, District 86, hereby state and affirm that my vote as recorded on Page 1605 of the House Journal for Monday, May 9, 2005 showing that I voted absent was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2005.

/s/ Jane Cunningham
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2005.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Jeff Harris, District 23, hereby state and affirm that my vote as recorded on Page 1602 of the House Journal for Monday, May 9, 2005 showing that I voted present was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2005.

/s/ Jeff Harris
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2005.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Allen Icet, District 84, hereby state and affirm that my vote as recorded on the motion to adopt House Amendment No. 1 to House Amendment No. 6 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 287 in the Journal for Tuesday, May 10, 2005 showing that I voted absent was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2005.

/s/ Allen Icet
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2005.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Jim Lembke, District 85, hereby state and affirm that my vote as recorded on the motion to third read and pass House Committee Substitute for Senate Bill No. 187 in the House Journal for Tuesday, May 10, 2005 showing that I voted aye was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 10th day of May 2005.

/s/ Jim Lembke
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 10th day of May in the year 2005.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

CONFERENCE COMMITTEE NOTICE

Wednesday, May 11, 2005, Hearing Room 6 upon morning recess.
Public hearing to be held on: SS SCS HCS HB 58

CONFERENCE COMMITTEE NOTICE

Wednesday, May 11, 2005, Hearing Room 6 upon afternoon adjournment.
Public hearing to be held on: SS SCS HCS HB 58

FISCAL REVIEW

Wednesday, May 11, 2005, 8:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session. CANCELLED

FISCAL REVIEW

Thursday, May 12, 2005, 8:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session. AMENDED

FISCAL REVIEW

Friday, May 13, 2005, 8:00 a.m. Hearing Room 4.

Any bills or matters referred to the Fiscal Review Committee.

Executive session. AMENDED

RULES

Wednesday, May 11, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HCS SS SCS SBs 37, 322, 78, 351 & 424, SJR 19

HOUSE CALENDAR

SEVENTY-THIRD DAY, WEDNESDAY, MAY 11, 2005

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 12 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 628 - Byrd
- 2 HCS HB 255 - Cunningham (86)
- 3 HCS HB 387 - Byrd
- 4 HB 572 - Stevenson
- 5 HCS HB 853 - Loehner
- 6 HB 291, as amended - Cooper (155)
- 7 HCS HB 272 - Pratt
- 8 HB 721 - Flook
- 9 HCS HB 671 - Sutherland
- 10 HCS HB 804 - Smith (118)
- 11 HB 679 - Kraus
- 12 HCS HB 742 - Bearden
- 13 HCS HB 854 - Richard
- 14 HCS HB 924 - Wallace
- 15 HCS HB 231 - Portwood
- 16 HCS#2 HB 586 - Sander
- 17 HCS HB 591, 210, 377, 760 & 777, HA 1 to HA 1, and HA 1, pending - Schlottach
- 18 HB 784 - Meadows
- 19 HB 633 - Lipke
- 20 HCS HB 430 - Shoemyer
- 21 HCS HB 490 - Daus
- 22 HCS HB 491, Part I, Part II, Part III, pending - McGhee
- 23 HCS HB 549 - Fraser
- 24 HCS HB 552 - Ervin
- 25 HCS HB 660 - Schlottach
- 26 HCS HB 842 & 831 - Brooks

- 27 HB 875 - Moore
- 28 HCS#2 HB 131 - Schaaf
- 29 HB 925 - Salva
- 30 HCS HB 948 - Cooper (158)
- 31 HB 970 - Yates

HOUSE BILLS FOR THIRD READING

- 1 HB 375 - Nance
- 2 HCS HB 532 - Spreng
- 3 HB 952, E.C. - Icet
- 4 HCS HB 859 - Jetton

HOUSE BILL FOR THIRD READING - CONSENT

HCS HB 508, E.C. - Pratt

SENATE CONCURRENT RESOLUTIONS

- 1 SCR 2, (3-02-05, Pages 470-471) - Sander
- 2 SS SCR 7, (4-28-05, Page 1340) - Portwood
- 3 SCR 13, HCA 1 (4-28-05, Page 1341, 5-05-05, Page 1561) - Schlottach
- 4 SCR 15, (4-27-05, Pages 1302-1303) - Stefanick
- 5 SCR 19, (5-09-05, Pages 1609-1610) - Cooper (120)

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 222 - Sutherland
- 2 SB 480, HPA 1, pending - Kraus
- 3 SB 518 - Cooper (155)
- 4 SCS SB 6 - Lager
- 5 SB 122 - Wright (137)
- 6 SB 162 - Cooper (155)
- 7 SB 209 - Pearce
- 8 HCS SB 216 - Goodman
- 9 SCS SB 227 - Kuessner
- 10 HCS SCS SB 238 - Faith
- 11 SCS SB 247 - Bruns
- 12 SB 265 - Wood
- 13 SB 288 - Lager
- 14 SB 304 - Ervin
- 15 HCS SB 308 - Pollock
- 16 SB 317 - Smith (118)
- 17 SCS SB 354 - Schlottach
- 18 SB 357 - Johnson (47)
- 19 HCS SB 364, E.C. - Franz

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- 20 HCS SCS SB 372 - Kuessner
- 21 SCS SB 374 - Zweifel
- 22 SB 396 - Sutherland
- 23 HCS SB 401 - Lembke
- 24 SB 418 - Lipke
- 25 HCS SB 422 - Yates
- 26 HCS SCS SB 423 - Lipke
- 27 HCS SCS SB 450, E.C. - Portwood
- 28 SCS SB 496 - Kelly
- 29 SCS SB 502, E.C. - Portwood
- 30 SB 521, as amended - Cooper (158)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 70 - Richard
 - 2 SB 488, HCA 1, pending - Robinson
 - 3 SB 280 - Wasson
 - 4 SB 286 - Kingery
 - 5 SB 479 - May
 - 6 SB 526 - Cunningham (145)
 - 7 SB 180 - Cooper (158)
 - 8 HCS SCS SB 260 - Baker (123)
 - 9 SB 268 - Byrd
 - 10 SB 274 - Richard
 - 11 SS SCS SB 346 - Ruestman
 - 12 HCS SS SB 95 - Hubbard
 - 13 HCS SB 99 - Wood
 - 14 SB 141 - Richard
 - 15 HCS SB 173 - Hobbs
 - 16 HCS SB 192 - Robinson
 - 17 SB 232, HCA 1 - Bivins
 - 18 SCS SB 310 - Dixon
 - 19 HCS SCS SB 319 - Roark
 - 20 SB 361 - Nance
 - 21 SB 380 - Cunningham (86)
 - 22 HCS SCS SBs 420 & 344 - Byrd
 - 23 SB 431, E.C.- Sutherland
 - 24 SCS SBs 23 & 51 - Lipke
 - 25 HCS SCS SB 161 - Chinn
 - 26 HCS SS#2 SCS SB 225, E.C. - Hobbs
 - 27 SB 254 - Tilley
 - 28 HCS SCS SB 262 - Johnson (47)
 - 29 HCS SCS SB 272 - Dempsey
 - 30 SB 358 - Richard
 - 31 HCS SS SCS SB 462, E.C. - Schad
 - 32 HCS SCS SB 500, E.C. - Lager
- (2 hours debate on Third Reading)

33 HCS SCS SB 57 - Wilson (130)
34 HCS SB 194 - Kraus
35 HCS SCS SB 468 - Icet
36 HCS#2 SB 123 - Byrd
37 HCS SS SCS SB 144 - Byrd
38 HCS#2 SB 165 - Byrd
39 SB 257 - Baker (123)
40 HCS SB 320 - Baker (123)
41 HCS SB 405 - Byrd
42 HCS SCS SB 196 - Ervin
43 HCS#2 SS SB 362 - Sutherland
44 HCS SB 42 - Muschany
45 HCS SS SCS SB 2, (Fiscal Review 5-10-05) - Cunningham (86)

HOUSE BILLS WITH SENATE AMENDMENTS

1 SCS HCS HB 47, E.C. - Brown (30)
2 SCS HB 707 - Cunningham (145)
3 SCS HCS HB 515 - Wood
4 SCS HB 638 - Cunningham (86)
5 SCS HB 685, E.C. - Franz
6 SCS HB 361 & HB 684 - Lipke
7 SCS HB 688 - Byrd
8 HCS HB 630, SPA 1 - Pollock
9 SCS HCS HB 362 - Lipke
10 SCS HB 456 - Kuessner
11 SCS HB 450 - Meiners
12 SCS HB 53 - Swinger
13 SCS HB 423 - Kuessner
14 SS SCS HCS HB 441, E.C. - Lipke
15 SCS HB 528 - Cunningham (145)
16 SCS HB 618 - Bearden
17 SCS HCS HB 297 - Pearce
18 SCS HCS HB 443 - Sander
19 SCS HCS#2 HB 232 - Portwood
20 SCS HB 229 - Portwood
21 HCS HB 525, SSA 1 for SA 1, SA 3 & SA 6 - May
22 HCS HB 576, SCA 1 - Flook
23 SS SCS HB 487, as amended, E.C. - Bruns
24 HB 114, SA 1 to SA 1, SA 1, as amended - Johnson (47)
25 SS HB 116, as amended, E.C. - Deeken
26 SS SCS HCS HB 437 - Jackson
27 HCS HB 824, SA 1 - Hobbs
28 SS SCS HCS HB 64, E.C. - Sutherland
29 SS SCS HCS HB 500 & 533 - Faith
30 HCS HB 388, SA 1 & SA 2 - Yates

- 31 SS HCS HB 334, as amended, E.C. - Franz
- 32 SS SCS HCS HB 518, 288, 418 & 635, as amended - St. Onge
- 33 SS SCS HCS HB 209, as amended - Cooper (120)
- 34 SS SCS HCS HB 353, as amended, E.C. - Lipke

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SCS SB 355, as amended
(request House recede/grant conference/exceed differences), E.C. - Loehner
- 2 SCS SB 390, HA 1 & HA 3 (request House recede/grant conference) - Pratt
- 3 HCS SCS SBs 221, 250 & 256, as amended
(request House recede/grant conference) - St. Onge

BILLS IN CONFERENCE

- 1 HCS SS SCS SB 210, as amended - Johnson (47)
- 2 HCS SCS#2 SB 155, as amended - Kingery
- 3 SS SCS HCS HB 58, as amended (exceed differences), E.C. - Johnson (47)
- 4 CCR HCS SS SB 343, as amended - Richard
- 5 CCR SCS HB 678, as amended - Byrd
- 6 HCS SCS SB 233, as amended - Nance
- 7 HCS SB 177 - Behnen

HOUSE CONCURRENT RESOLUTIONS

- 1 HCS HCR 25, (3-10-05, Pages 588-589) - Schlottach
- 2 HCR 22, (4-20-05, Page 1171) - Bivins
- 3 HCR 33, (4-20-05, Pages 1171-1172) - Jetton
- 4 HCR 28, (4-21-05, Pages 1196-1197) - Salva

HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION

- 1 HCR 14, (4-26-05, Pages 1277-1278) - Zweifel
- 2 HJR 23 - Emery
- 3 HB 846 - Page